

# DRAFT FOR CONSULTATION

## **Medicines (Exemption for Authorised Prescribers) Amendment Bill**

Member's Bill

### **Explanatory note**

#### **General policy statement**

Medicines go through an assessment and approval process before they can be supplied in New Zealand. This is to ensure they meet quality standards and are safe and effective.

If a medicine has not been through the approval process by Medsafe it is an unapproved medicine. There are limits on supplying unapproved medicines under the Medicines Act 1981. Section 29 of the Act provides an exemption for medical practitioners to obtain unapproved medicines.

As some approved medicines become unavailable in New Zealand, unapproved medicines are brought in as substitutes. Nurse practitioners, as authorised prescribers in the Act, cannot obtain these medicines as Section 29 does not apply to them.

This Bill amends the principal Act to extend the exemption in section 29 to all authorised prescribers.

#### **Clause by clause analysis**

*Clause 1* is the title clause.

*Clause 2* is the commencement clause. It provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

*Clause 3* identifies the Medicines Act 1981 as the Act being amended.

*Clause 4* amends section 29 of the Medicines Act 1981 to extend the exemption in that section to authorised prescribers.



*Penny Simmonds*

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### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Medicines (Exemption for Authorised Prescribers) Amendment Act **2021**.

#### **2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

#### **3 Principal Act**

This Act amends the Medicines Act 1981 (the **principal Act**).

#### **4 Section 29 amended (Exemption for medicine required by medical practitioner)**

- (1) In the heading to section 29, replace “**medical practitioner**”, with “**authorised prescriber**”
- (2) Replace section 29(1) with:

- (1) Neither section 20 nor section 24 shall prevent—
  - (a) the supply by any person to any authorised prescriber, on the authorised prescriber's request, of any medicine required by that authorised prescriber for the treatment of a particular patient currently under that authorised prescriber's care; or
  - (b) the administration by any authorised prescriber of any such medicine to any such patient.
- (3) In section 29(2), replace “sells or supplies to any practitioner” with “sells or supplies to any authorised prescriber”.