



STATUTORY INSTRUMENTS.

S.I. No. 607 of 2010



MISUSE OF DRUGS (AMENDMENT) (NO. 2) REGULATIONS 2010

(Prn. A10/1891)

MISUSE OF DRUGS (AMENDMENT) (NO. 2) REGULATIONS 2010

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 5 (as amended by section 4 of the Irish Medicines Board (Miscellaneous Provisions) Act 2006 (No. 3 of 2006)) of the Misuse of Drugs Act 1977 (No. 12 of 1977) (as adapted by the Health (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No. 308 of 1997)), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Misuse of Drugs (Amendment) (No. 2) Regulations 2010.

Interpretation

2. In these Regulations, “Principal Regulations” means the Misuse of Drugs Regulations 1988 (S.I. No. 328 of 1988) as amended by the Misuse of Drugs (Amendment) Regulations 1993 (S.I. No. 342 of 1993), the Misuse of Drugs (Amendment No. 1) Regulations 1999 (S.I. No. 273 of 1999), the Misuse of Drugs (Amendment) Regulations 2006 (S.I. No. 53 of 2006), the Misuse of Drugs (Amendment) Regulations 2007 (S.I. No. 200 of 2007), the Misuse of Drugs (Amendment) Regulations 2009 (S.I. No. 63 of 2009), the Misuse of Drugs (Amendment) (No. 2) Regulations 2009 (S.I. No. 122 of 2009) and the Misuse of Drugs (Amendment) Regulations 2010 (S.I. No. 200 of 2010).

Amendment of article 3(1) of the Principal Regulations.

3. Article 3(1) of the Principal Regulations is amended by inserting the following definition:—

“ ‘prison’ means Saint Patrick’s Institution, any place provided for under section 2 of the Prisons Act 1970 (No. 11 of 1970), or any place specified to be used as a prison under section 3 of the Prisons Act 1972 (No. 7 of 1972).”

Amendment of article 13 of the Principal Regulations.

4. Article 13 of the Principal Regulations is amended by inserting the following after sub-article (2):—

“(3) In the case of a prescription for a controlled drug specified in the Schedule to the Misuse of Drugs (Supervision of Prescription and Supply of Methadone) Regulations 1998 (S.I. No. 225 of 1998), issued and dispensed in prison, sub-article (1)(b) shall not apply.”

Amendment of article 14 of the Principal Regulations.

5. Article 14 of the Principal Regulations is amended by inserting the following after sub-article (4):—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th December, 2010.*

“(5) In the case of a controlled drug specified in the Schedule to the Misuse of Drugs (Supervision of Prescription and Supply of Methadone) Regulations 1998 (S.I. No. 225 of 1998), supplied on prescription in prison—

- (a) sub-article (2)(a) shall not apply, and
- (b) subject to article 19(6), a hard-copy record shall be made, at the time of administration of the controlled drug, of—
 - (i) the name and identity number of the patient to whom the controlled drug is administered,
 - (ii) the name of the person who issued the prescription and date on which the prescription was issued for that patient,
 - (iii) the dose, form and quantity of the controlled drug prescribed,
 - (iv) the dose, form and quantity of the controlled drug administered to the patient, and
 - (v) the date on which the controlled drug is administered to the patient.”

Amendment of article 19 of the Principal Regulations.

6. Article 19 of the Principal Regulations is amended by inserting the following after sub-article (5):—

“(6) Every record made in pursuance of article 14(5) shall be preserved in the prison for a period of two years from the date on which the controlled drug was administered to the patient.”



GIVEN under my Official Seal,
20 December 2010.

MARY HARNEY,
Minister for Health and Children.

EXPLANATORY NOTE

(This is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to exempt prescriptions for specified controlled drugs issued and dispensed in prisons, from certain requirements of article 13 of the Misuse of Drugs Regulations 1988 in relation to the handwriting of prescriptions. In addition these Regulations require certain information regarding the administration of specified controlled drugs to be retained in prisons.

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