



Number 9 of 2016

Misuse of Drugs (Amendment) Act 2016



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MISUSE OF DRUGS (AMENDMENT) ACT 2016

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SCHEDULE

Part 1

AMENDMENT OF PARAGRAPH 1A OF SCHEDULE TO MISUSE OF DRUGS ACT 1977

Part 2

AMENDMENT OF PARAGRAPH 1B OF SCHEDULE TO MISUSE OF DRUGS ACT 1977

[No. 9.]

Misuse of Drugs (Amendment) Act 2016.

[2016.]

ACTS REFERRED TO

Misuse of Drugs Act 1977 (No. 12)

Misuse of Drugs Acts 1977 to 2015

Nurses and Midwives Act 2011 (No. 41)



Number 9 of 2016

MISUSE OF DRUGS (AMENDMENT) ACT 2016

An Act to amend and extend the law relating to the prevention of the misuse of certain dangerous or otherwise harmful drugs and for those purposes to amend the Misuse of Drugs Act 1977 to provide for the control of additional substances; to make further provision for the transfer of functions relating to the grant of licences under that Act from the Minister for Health to the Health Products Regulatory Authority; to revoke certain statutory instruments; and to provide for related matters. [27th July, 2016]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Principal Act” means the Misuse of Drugs Act 1977.

Amendment of section 1 of Principal Act

2. Section 1 of the Principal Act is amended, in subsection (1)—

- (a) by the insertion of the following definition:

“ ‘registered midwife’ means a midwife whose name is entered in the midwives division of the register of nurses and midwives under the Nurses and Midwives Act 2011;”,

- (b) by the substitution of the following for the definition of “registered nurse”:

“ ‘registered nurse’ means a nurse whose name is entered in the nurses division of the register of nurses and midwives under the Nurses and Midwives Act 2011;”,

and

- (c) by the substitution of the following for the definition of “practitioner”:

“ ‘practitioner’ means a registered medical practitioner, a registered dentist, a registered veterinary surgeon, a registered nurse and a registered midwife;”.

Amendment of section 5 of Principal Act

3. Section 5 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of the following paragraph for paragraph (f):

“(f) subject to subsection (1A), regulating the issue of prescriptions for controlled drugs and the supply of controlled drugs on prescription by—

(i) registered medical practitioners, registered dentists or registered veterinary surgeons,

(ii) relevant nurses, or

(iii) relevant midwives,”

(b) by the substitution of the following subsection for subsection (1A):

“(1A) The Minister shall not make regulations under subsection (1)(f)(ii) or (iii) unless the Minister, having had regard to the nature and purpose of the controlled drug (including any deleterious effects which may arise from the misuse thereof), is satisfied that it is reasonably safe to permit the issue of prescriptions for that controlled drug by relevant nurses or relevant midwives.”

(c) in subsection (2)(a), by the substitution of “(other than a relevant nurse or a relevant midwife)” for “(other than a registered nurse)”,

(d) by the substitution of the following subsection for subsection (3):

“(3) Subject to section 13, the Minister may make regulations under this section so as to secure that it is not unlawful under this Act for a practitioner who is a relevant nurse or a relevant midwife, for the purpose of the practitioner’s profession as a relevant nurse or a relevant midwife, to prescribe, administer or supply a controlled drug if the Minister, after having had regard to the nature and purpose of the controlled drug (including any deleterious effects which may arise from the misuse thereof), is satisfied that it is reasonably safe to permit the practitioner, for the purpose of the practitioner’s profession as a relevant nurse or a relevant midwife, to prescribe, administer or supply that controlled drug.”

and

(e) by the insertion of the following subsection after subsection (3):

“(4) In this section—

‘relevant midwife’ means a registered midwife or a class of registered midwives;

‘relevant nurse’ means a registered nurse or a class of registered nurses.”

Amendment of section 13 of Principal Act

4. Section 13 of the Principal Act is amended, in subsection (1)(b), by the substitution of “issued by the Health Products Regulatory Authority” for “issued by the Minister”.

Amendment of section 21 of Principal Act

5. Section 21 of the Principal Act is amended, in subsection (6), by the substitution of “issued under section 14 by the Health Products Regulatory Authority” for “issued by the Minister”.

Amendment of Schedule to Principal Act

6. The Schedule to the Principal Act is amended—
- (a) in paragraph 1A, by the substitution of the text set out in *Part 1* of the *Schedule* for subparagraph (a) of that paragraph, and
 - (b) in paragraph 1B, by the substitution of the text set out in *Part 2* of the *Schedule* for subparagraph (a) of that paragraph.

Revocation of certain statutory instruments

7. The following are revoked:
- (a) the Misuse of Drugs (Licence Fees) Regulations 1979 (S.I. No. 164 of 1979);
 - (b) the Misuse of Drugs (Safe Custody) Regulations 1982 (S.I. No. 321 of 1982);
 - (c) the Misuse of Drugs (Exemption) Order 1988 (S.I. No. 326 of 1988);
 - (d) the Misuse of Drugs Regulations 1988 (S.I. No. 328 of 1988);
 - (e) the Misuse of Drugs (Designation) Order 1998 (S.I. No. 69 of 1998);
 - (f) the Misuse of Drugs (Supervision of Prescription and Supply of Methadone) Regulations 1998 (S.I. No. 225 of 1998).

Short title, collective citation, construction and commencement

8. (1) This Act may be cited as the Misuse of Drugs (Amendment) Act 2016.
- (2) The Misuse of Drugs Acts 1977 to 2015 and this Act may be cited together as the Misuse of Drugs Acts 1977 to 2016 and shall be construed together as one Act.
- (3) This Act shall come into operation on such day or days as the Minister for Health may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

SCHEDULE

Section 6

Part 1

AMENDMENT OF PARAGRAPH 1A OF SCHEDULE TO MISUSE OF DRUGS ACT 1977

“(a) *N*-(Adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide

Alfentanil

(3-Amino-2,2-dimethylpropyl)-4-aminobenzoate

5-(2-Aminopropyl)indole

1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone

N-(1-Benzyl-4-piperidyl)propionanilide

2-(4-Bromo-2,5-dimethoxyphenyl)-*N*-[(2-methoxyphenyl)methyl]ethanamine

1-(4-Bromofuro[2,3-*f*][1]benzofuran-8-yl)propan-2-amine

Carfentanil

Cathinone

2-(4-Chloro-2,5-dimethoxyphenyl)-*N*-[(2-methoxyphenyl)methyl]ethanamine

1-Cyclohexyl-4-(1,2-diphenylethyl)piperazine

3,4-Dichloro-*N*-[[1-(dimethylamino)cyclohexyl)methyl]benzamide

Dihydroetorphine

[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-*de*]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone

Dimethocaine

3-Dimethylheptyl-11-hydroxyhexahydrocannabinol

Eticyclidine

Etryptamine

1-(2-Fluorophenyl)-2-methylaminopropan-1-one

1-(3-Fluorophenyl)-2-methylaminopropan-1-one

1-(4-Fluorophenyl)-2-methylaminopropan-1-one

9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[*c*]chromen-1-ol

[9-Hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate

N-Hydroxy-tenamphetamine

2-(4-Iodo-2,5-dimethoxyphenyl)-*N*-[(2-methoxyphenyl)methyl]ethanamine

Khat (being the leaves of *Catha edulis* (Celastraceae))

Lisdexamphetamine

Lofentanil

Methcathinone

2-(3-Methoxyphenyl)-2-(ethylamino)cyclohexanone

1-(4-Methoxyphenyl)-2-(methylamino)propan-1-one

Methyl (2*S*,4*aR*,6*aR*,7*R*,10*aS*,10*bR*)-9-acetyloxy-2-(furan-3-yl)-6*a*,10*b*-dimethyl-4,10-dioxo-2,4*a*,5,6,7,8,9,10*a*-octahydro-1*H*-benzo[*f*]isochromene-7-carboxylate and any product, whether natural or otherwise, including any plant or plant material of any kind or description, which contains any proportion of the said substance

2-Methylamino-1-(3,4-methylenedioxyphenyl)butan-1-one

2-Methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one

4-Methyl-aminorex

(8-Methyl-8-azabicyclo[3.2.1]octan-3-yl)-4-fluorobenzoate

Methyl 2-[[1-(cyclohexylmethyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate

Methyl (*E*)-2-[(2*S*,3*S*,7*aS*,12*bS*)-3-ethyl-7*a*-hydroxy-8-methoxy-2,3,4,6,7,12*b*-hexahydro-1*H*-indolo[2,3-*a*]quinolizin-2-yl]-3-methoxyprop-2-enoate and any product, whether natural or otherwise, including any plant or plant material of any kind or description, which contains any proportion of the said substance

Methyl (*E*)-2-[(2*S*,3*S*,12*bS*)-3-ethyl-8-methoxy-1,2,3,4,6,7,12,12*b*-octahydroindolo[2,3-*a*]quinolizin-2-yl]-3-methoxyprop-2-enoate and any product, whether natural or otherwise, including any plant or plant material of any kind or description, which contains any proportion of the said substance

4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine
 α -Methyl-4-(methylthio)phenethylamine
1-(4-Methylphenyl)-2-methylaminopropan-1-one
Nabilone
Oripavine
Phencyclidine
1-Phenylcyclohexylamine
4-(1-Phenylcyclohexyl)morpholine
1-Piperidinocyclohexanecarbonitrile
Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate
Remifentanil
Rolicyclidine
Sufentanil
Tapentadol
Tenocyclidine
N-[1-(2-Thienyl)-4-piperidyl]propionanilide
4-[1-(2-Thienyl)cyclohexyl]morpholine
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine
Tilidine.”.

Part 2

AMENDMENT OF PARAGRAPH 1B OF SCHEDULE TO MISUSE OF DRUGS ACT 1977

“(a) Alprazolam
Amineptine
Aminorex
Amphetaminil
2-Benzhydrylpiperidine
Bromazepam
Brotizolam
Buprenorphine
Butan-1,4-diol

Butorphanol
Camazepam
Cathine
Chlordiazepoxide
Clobazam
Clonazepam
Clorazepic acid
Clotiazepam
Cloxazolam
Delorazepam
Dextropropoxyphene
Diazepam
Diethylpropion
Dihydrofuran-2(3*H*)-one
Estazolam
Ethchlorvnlol
Ethinamate
N-Ethylamphetamine
Ethyl loflazepate
Fencamfamin
Fenethylline
Fenproporex
Fludiazepam
Flunitrazepam
Flurazepam
Glutethimide
Halazepam
Haloxazolam
4-Hydroxybutanoic acid
Ketamine
Ketazolam

Lefetamine
Loprazolam
Lorazepam
Lormetazepam
Mazindol
Mecloqualone
Medazepam
Mefenorex
Meprobamate
Mesocarb
Methyprylone
Midazolam
Nalbuphine
Nimetazepam
Nitrazepam
Nordazepam
Oxazepam
Oxazolam
Pemoline
Pentazocine
Phenazepam
Phentermine
Pinazepam
Prazepam
Propylhexedrine
Pyrovalerone
Selegiline
Temazepam
Tetrazepam
Triazolam
Zaleplon

[2016.]

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Zipeprol

Zolpidem

Zopiclone.”.