STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer *Registered at the Post Office as a Newspaper*

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

VOL. 73.] KAAPSTAD, 16 JULIE 1971. [No. 3211.
CAPE TOWN, 16TH JULY, 1971.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1230. 16 Julie 1971.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 95 van 1971: Wysigingswet op die Medisynewette, 1971.

DEPARTMENT OF THE PRIME MINISTER.

No. 1230. 16th July, 1971.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 95 of 1971: Drugs Laws Amendment Act, 1971.

ACT

To amend the provisions of the Medical, Dental and Pharmacy Act, 1928, relating to the definition of habit-forming drugs and potentially harmful drugs; to empower the Minister to authorize certain categories of persons to perform certain acts in relation to potentially harmful drugs; to amend the provisions of the Drugs Control Act, 1965, relating to the making of regulations in connection with the advertising of drugs; and to provide for incidental matters.

(*English text signed by the State President.*)
(*Assented to* 18*th June*, 1971.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of section 61*bis* of Act 13 of 1928, as inserted by section 18 of Act 29 of 1954 and amended by section 15 of Act 44 of 1969.

1. The following section is hereby substituted for section 61*bis* of the Medical, Dental and Pharmacy Act, 1928 (hereinafter referred to as the principal Act):

"State President may amend Sixth Schedule.

61*bis*. The State President may, upon a recommendation submitted to him by the Minister in pursuance of a resolution passed by the Drugs Control Council, established by section 2 of the Drugs Control Act, 1965 (Act No. 101 of 1965), by proclamation in the *Gazette* amend the Sixth Schedule to this Act by the inclusion therein or the deletion therefrom of any substance, or in any other manner, as may be specified in such resolution.".

Amendment of section 64 of Act 13 of 1928.

2. Section 64 of the principal Act is hereby amended by the deletion of subsection (3).

Amendment of section 65 of Act 13 of 1928.

3. Section 65 of the principal Act is hereby amended—

(*a*) by the substitution in subsection (1) for the words preceding paragraph (*a*) of the following words:

"Any habit-forming drug imported or otherwise acquired by a chemist and druggist or other authorized person in accordance with the provisions of this Chapter may be used in the manufacture of any preparation, admixture or extract of such drug, and any such drug or any preparation, admixture or extract thereof, being in itself a habit-forming drug may be sold or supplied under the following conditions but not otherwise—"; and

WET

Tot wysiging van die bepalings van die Wet op Geneeshere, Tandartse en Aptekers, 1928, met betrekking tot die omskrywing van gewoonte-vormende medisyne en moontlik nadelige medisyne; om aan die Minister die bevoegdheid te verleen om sekere kategorieë persone te magtig om sekere handelinge met betrekking tot moontlik nadelige medisyne te verrig; tot wysiging van die bepalings van die Wet op die Beheer van Medisyne, 1965, met betrekking tot die uitvaardiging van regulasies in verband met die adverteer van medisyne; en om vir bykomstige aangeleenthede voorsiening te maak.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 18 *Junie* 1971.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 61*bis* van Wet 13 van 1928, soos ingevoeg deur artikel 18 van Wet 29 van 1954 en gewysig deur artikel 15 van Wet 44 van 1969.

1. Artikel 61*bis* van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (hieronder die Hoofwet genoem) word hierby deur die volgende artikel vervang:

„Staatspresident kan Sesde Bylae wysig.

61*bis*. Die Staatspresident kan, op 'n aanbeveling deur die Minister aan hom voorgelê na aanleiding van 'n besluit van die Medisynebeheerraad, ingestel by artikel 2 van die Wet op die Beheer van Medisyne, 1965 (Wet No. 101 van 1965) die Sesde Bylae by hierdie Wet by proklamasie in die *Staatskoerant* wysig deur 'n stof daarby in te sluit of daaruit te skrap, of op enige ander wyse, soos in die besluit aangegee.".

Wysiging van artikel 64 van Wet 13 van 1928.

2. Artikel 64 van die Hoofwet word hierby gewysig deur subartikel (3) te skrap.

Wysiging van artikel 65 van Wet 13 van 1928.

3. Artikel 65 van die Hoofwet word hierby gewysig—

(*a*) deur in subartikel (1) die woorde wat paragraaf (*a*) voorafgaan deur die volgende woorde te vervang:

„Gewoonte-vormende medisyne, ingevoer of andersins verkry deur 'n apteker of ander bevoegde persoon ooreenkomstig die bepalings van hierdie Hoofstuk, mag gebruik word by die vervaardiging van 'n preparaat, mengsel of aftreksel van sulke medisyne, en sulke medisyne of 'n preparaat, mengsel of aftreksel daarvan wat self 'n gewoonte-vormende medisyne is, mag onder die volgende voorwaardes, maar anders nie verkoop of gelewer word—"; en

(*b*) by the substitution for paragraph (*c*) of subsection (1) of the following paragraph:

"(*c*) to any person without the production of a written order or prescription, if such drug or preparation, admixture or extract thereof forms merely a component part of a recognized medicinal preparation and is in quantity insufficient to constitute the finished preparation of a habit-forming drug;".

Amendment of section 65*ter* of Act 13 of 1928, as inserted by section 17 of Act 44 of 1969.

4. Section 65*ter* of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

"(2) For the purposes of subsection (1) 'potentially harmful drugs' means any substance referred to in the Sixth Schedule to this Act.".

Amendment of section 96 of Act 13 of 1928, as amended by section 35 of Act 30 of 1945, section 9 of Act 14 of 1946, section 13 of Act 13 of 1950, section 12 of Act 11 of 1957, section 10 of Act 34 of 1962 and section 26 of Act 44 of 1969.

5. Section 96 of the principal Act is hereby amended—

(*a*) by the insertion in subsection (1) after the definition of "dentist" of the following definition:

"'habit-forming drug' means any substance referred to in Part II of the Schedule to the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971);";

(*b*) by the insertion in subsection (1) after the definition of "poison" of the following definition:

"'potentially harmful drug' means any substance referred to in the Sixth Schedule to this Act and any substance referred to in Part III of the Schedule to the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971;"; and

(*c*) by the addition of the following subsection:

"(4) Any reference in any law to a habit-forming drug as contemplated in this Act prior to the commencement of the Drugs Laws Amendment Act, 1971, shall be construed as a reference to a habit-forming drug as defined in this section.".

Insertion of section 96A in Act 13 of 1928.

6. The following section is hereby inserted in the principal Act after section 96:

"Power of Minister to authorize certain categories of persons to perform certain acts relating to potentially harmful drugs.

96A. (1) Notwithstanding anything to the contrary in any law contained, the Minister may by notice in the *Gazette*, subject to such conditions as may be determined by him, authorize the following categories of persons to possess potentially harmful drugs and to perform any act relating to the use, collection, importation, supply, transhipment, administration, export, cultivation, sale, manufacture, transmission or prescription of such drugs, namely:

(i) medical practitioners and interns;

(ii) dentists;

(iii) chemists and druggists, indentured apprentices, pharmaceutical technicians, pharmacy students, trainee chemists and druggists and unqualified assistants;

(iv) authorized veterinarians;

(v) the responsible medical officers of hospitals and other institutions used solely for the reception of sick persons;

(vi) persons registered or enrolled under section 12, 14 or 15 of the Nursing Act, 1957 (Act No. 69 of 1957);

(vii) persons who intend to perform such acts in relation to such drugs for scientific, research or

(*b*) deur paragraaf (*c*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*c*) aan enigeen, sonder vertoon van 'n skriftelike bestelling of resep, as daardie medisyne, preparaat, mengsel of aftreksel daarvan net 'n bestanddeel uitmaak van 'n erkende geneeskundige preparaat en van onvoldoende hoeveelheid is om die volledige preparaat uit te maak van 'n gewoontevormende medisyne;".

Wysiging van artikel 65*ter* van Wet 13 van 1928, soos ingevoeg deur artikel 17 van Wet 44 van 1969.

4. Artikel 65*ter* van die Hoofwet word hierby gewysig deur die toevoeging van die volgende subartikel terwyl die bestaande artikel subartikel (1) word:

„(2) By die toepassing van subartikel (1) beteken ‚moontlik nadelige medisyne' 'n stof vermeld in die Sesde Bylae by hierdie Wet.".

Wysiging van artikel 96 van Wet 13 van 1928, soos gewysig by artikel 35 van Wet 30 van 1945, artikel 9 van Wet 14 van 1946, artikel 13 van Wet 13 van 1950, artikel 12 van Wet 11 van 1957, artikel 10 van Wet 34 van 1962 en artikel 26 van Wet 44 van 1969.

5. Artikel 96 van die Hoofwet word hierby gewysig—

(*a*) deur in subartikel (1) na die omskrywing van „tandarts" die volgende omskrywing in te voeg:

„‚gewoonte-vormende medisyne' 'n stof vermeld in Deel II van die Bylae by die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971);";

(*b*) deur in subartikel (1) na die omskrywing van „vergif" die volgende omskrywing in te voeg:

„‚moontlik nadelige medisyne' 'n stof vermeld in die Sesde Bylae by hierdie Wet en 'n stof vermeld in Deel III van die Bylae by die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971;"; en

(*c*) deur die volgende subartikel by te voeg:

„(4) 'n Verwysing in 'n wet na 'n gewoontevormende medisyne soos beoog in hierdie Wet voor die inwerkingtreding van die Wysigingswet op die Medisynewette, 1971, word uitgelê as 'n verwysing na 'n gewoontevormende medisyne soos in hierdie artikel omskrywe.".

Invoeging van artikel 96A in Wet 13 van 1928.

6. Die volgende artikel word hierby in die Hoofwet na artikel 96 ingevoeg:

„Bevoegdheid van Minister om sekere kategorieë persone te magtig om sekere handelinge met betrekking tot moontlik nadelige medisyne te verrig.

96A. (1) Ondanks andersluidende wetsbepalings, kan die Minister by kennisgewing in die *Staatskoerant* die volgende kategorieë persone magtig om, onderworpe aan die voorwaardes deur die Minister bepaal, moontlik nadelige medisyne te besit en om 'n handeling met betrekking tot die gebruik, insameling, invoer, lewering, oorlaai, toediening, uitvoer, verbouing, verkoop, vervaardiging, versending of voorskryf van sodanige medisyne te verrig:

(i) geneeshere en interne;
(ii) tandartse;
(iii) aptekers, farmaseutiese-tegnici, ingeboekte leerlinge, studente in artsenybereikunde, kwekeling-aptekers en ongekwalifiseerde assistente;
(iv) bevoegde veeartse;
(v) die verantwoordelike geneeskundige amptenare van hospitale en ander inrigtings wat uitsluitend gebruik word vir die opname van siekes;
(vi) persone wat kragtens artikel 12, 14 of 15 van die Wet op Verpleegsters, 1957 (Wet No. 69 van 1957) geregistreer of ingeskryf is;
(vii) persone wat sodanige handelinge met betrekking tot sodanige medisyne vir wetenskaplike, navor-

educational purposes or who intend to possess such drugs for those purposes;

(viii) persons or organizations performing health services;

(ix) persons referred to in paragraphs (*e*), (*f*)*bis*, (*f*)*ter* and (*f*)*quat* of section 72.

(2) Different conditions may be imposed under subsection (1) in respect of different categories of persons or in respect of different kinds of potentially harmful drugs.

(3) A notice issued under this section shall lapse after the expiry of a period of two years after the commencement of section 3 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), unless such notice is repealed earlier.

(4) For the purposes of this section 'potentially harmful drugs' shall mean any substance referred to in Part III of the Schedule to the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, and includes any plant from which any such substance can be prepared, extracted, produced or manufactured.".

Amendment of section 35 of Act 101 of 1965, as amended by section 5 of Act 29 of 1968 and section 1 of Act 88 of 1970.

7. Section 35 of the Drugs Control Act, 1965, is hereby amended by the substitution for paragraph (i) of subsection (1) of the following paragraph:

"(i) prescribing the particulars which shall appear in any advertisement relating to any drug or prohibiting the inclusion of any specified particulars in any advertisement relating to any drug included in pharmacological classification 30 of the regulations made under this section or which is included in the Sixth Schedule to the Medical Act, or in Part II or Part III of the Schedule to the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), or the distribution of any such advertisement to a specified person or a specified class or category of persons or to a specified organization or a specified class or category of organizations;".

Short title and commencement.

8. This Act shall be called the Drugs Laws Amendment Act, 1971, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

sings- of opvoedkundige doeleindes wil verrig of wat sodanige medisyne vir daardie doeleindes wil besit;

(viii) persone of organisasies wat gesondheidsdienste verrig;

(ix) persone in paragrawe (*e*), (*f*)*bis*, (*f*)*ter* en (*f*)*quat* van artikel 72 vermeld.

(2) Verskillende voorwaardes kan kragtens subartikel (1) ten opsigte van die verskillende kategorieë persone of verskillende soorte moontlik nadelige medisyne opgelê word.

(3) 'n Kennisgewing kragtens hierdie artikel uitgereik, verval na verloop van 'n tydperk van twee jaar na die inwerkingtreding van artikel 3 van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971), tensy sodanige kennisgewing eerder herroep word.

(4) By die toepassing van hierdie artikel beteken „moontlik nadelige medisyne" 'n stof vermeld in Deel III van die Bylae by die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971, en ook 'n plant waaruit of waarvan so 'n stof berei, geëkstraheer, voortgebring of vervaardig kan word.".

Wysiging van artikel 35 van Wet 101 van 1965, soos gewysig deur artikel 5 van Wet 29 van 1968 en artikel 1 van Wet 88 van 1970.

7. Artikel 35 van die Wet op die Beheer van Medisyne, 1965, word hierby gewysig deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:

„(i) wat die besonderhede wat in 'n advertensie betreffende 'n medisyne moet verskyn, voorskryf, of wat die insluiting van bepaalde besonderhede in so 'n advertensie of die verspreiding van 'n advertensie betreffende 'n medisyne wat in farmakologiese klassifikasie 30 van die ingevolge hierdie artikel uitgevaardigde regulasies ingesluit is of wat in die Sesde Bylae by die Wet op Geneeshere of in Deel II of III van die Bylae by die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums (Wet No. 41 van 1971), ingesluit is, aan 'n bepaalde persoon of 'n bepaalde klas of kategorie van persone of aan 'n bepaalde organisasie of 'n bepaalde klas of kategorie van organisasies verbied;".

Kort titel en inwerkingtreding.

8. Hierdie Wet heet die Wysigingswet op die Medisynewette, 1971, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.