Poisons and Drugs (Amendment) Act 1994

No. 40 of 1994

An Act to amend the Poisons and Drugs Act 1978

[Notified in ACT Gazette S177: 7 September 1994]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the Poisons and Drugs (Amendment) Act 1994.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the Gazette.

(2) Section 4 commences on a day fixed by the Minister by notice in the Gazette.

(3) If section 4 has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the Gazette, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the Poisons and Drugs Act 1978.
Insertion

4. After section 47Z of the Principal Act the following section in inserted:

Possession of anabolic steroids

“47ZA. (1) A person shall not, without reasonable excuse, possess an anabolic steroid.

Penalty:
(a) if the offender is a natural person—$5,000 or imprisonment for 6 months, or both;
(b) if the offender is a body corporate—$25,000.

“(2) Subsection (1) does not apply to a person who—
(a) is licensed or authorised, under this Act or another Act, to manufacture, possess or supply an anabolic steroid;
(b) is a registered medical practitioner, registered dentist or registered veterinary surgeon, and possesses the anabolic steroid for the purposes of his or her practice;
(c) is a registered pharmacist and possesses the anabolic steroid for the purposes of dispensing it; or
(d) obtained the anabolic steroid on presentation of a prescription signed by a registered medical practitioner, a registered dentist or a registered veterinary surgeon authorising the sale or supply to, or dispensing for, that person of the anabolic steroid.”.

Insertion

5. Before section 48 of the Principal Act the following section is inserted:

Prescription, dispensing or sale of anabolic steroids

“47ZB. (1) A person shall not, without reasonable excuse—
(a) administer to himself, herself or another person; or
(b) prescribe, dispense or sell to another person for human use; an anabolic steroid.

Penalty:
(a) if the offender is a natural person—$5,000 or imprisonment for 6 months or both;
(b) if the offender is a body corporate—$25,000.
“(2) Subsection (1) does not apply to administering, prescribing, dispensing or selling an anabolic steroid—

(a) that is registered under the Therapeutic Goods Act 1989 of the Commonwealth; or
(b) for the purposes of a clinical trial conducted under that Act.

“(3) In this section—

‘anabolic steroid’ includes—

(a) a substance specified in Schedule 1 and any—

(i) salt, active principle or derivative of such a substance;
(ii) stereoisomer of such a substance; or
(iii) preparation or admixture containing any proportion of such a substance;

(b) a salt of an active principle or derivative referred to in subparagraph (a) (i); and

(c) a salt of a stereoisomer referred to in subparagraph (a) (ii).”.

Schedule

6. After section 55 of the Principal Act the following Schedule is inserted:

SCHEDULE 1

ANABOLIC STEROIDS

Androisoxazole
Androsterone
Boldenone
Clostebol
Drostanolone
Ethyloestrenol
Fluoxymesterone
Mestanolone
Mesterolone
Methandriol
Methandrostenolone
Methenolone
Methyltestosterone
Mibolerone
Nandrolone
Norethandrolone
Oxandrolone
Oxymesterone
Oxymetholone
Stanolone
Stanozolol
Testosterone
Trenbolone

NOTE


[Presentation speech made in Assembly on 17 February 1993]