

## Retail Sale of Schedule 7 Poisons

“Secure Place”  
Subsection 284 (3) Health (Drugs  
and Poisons) Regulation 1996



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November 2010

## **INTRODUCTION**

Subsection 284(3) of the Health (Drugs and Poisons) Regulation 1996 ("the regulation") contains requirements for the storage of Schedule 7 poisons in retail outlets. It states that "a person who sells an S7 poison by retail must store the poison in a receptacle or storeroom that is kept locked or in another place the chief health officer is reasonably satisfied is a secure place".

This is the policy for a "secure place" for the storage of Schedule 7 poisons at a pharmacy or other premises where poisons are sold by retail. It deals with situations which may occur from time to time, but may not encompass every possible circumstance.

## **RELEVANT DEFINITIONS**

Section 5 of the Health Act 1937 defines "place" as including any house, building, ship, barge, boat, vehicle, car, station, wharf, shed, land or premises.

The Macquarie Dictionary defines "secure" in respect of a place as "affording safety". The Concise Oxford Dictionary carries a similar meaning, adding "reliable; certain not to fail or give way; in safe keeping, firmly fastened".

## **SUITABLE AREAS**

Any of the following areas in retail premises may be suitable for storing Schedule 7 poisons, providing the criteria for a secure place can be met:

- a) external open storage areas;
- b) separate buildings;
- c) internal storage areas;
- d) mezzanine floors; or
- e) bulk warehouse-type facilities.

The above list specifies areas which are commonly used to store Schedule 7 poisons. It is not exclusive and other areas may also be suitable for this purpose. Individual determinations on their suitability may be necessary in some circumstances.

## **DETERMINATION GUIDELINES**

A reasonable amount of discretion should be used in determining whether or not an area is a secure place for the storage of Schedule 7 poisons for retail sale. The scope and aim of the regulation (i.e. maintaining public health and safety with controls over the storage, availability and sale of scheduled poisons) should form the basis for this determination.

Generally, access to Schedule 7 poisons in retail premises should be restricted by the use of a substantial, lockable barrier. This can take the form of a lockable cupboard, storeroom, wire cage or other enclosure.

The following comments may be applicable in some circumstances:

1. A dedicated storage area for Schedule 7 poisons only is not always necessary
2. Schedule 7 poisons may be stored with other goods as long as the whole storage area can be locked to prevent access to the Schedule 7 poisons
3. If constant access to the other goods stored in that area is required, it may not be an appropriate area for the storage of Schedule 7 poisons

Any storage area or facility used for the storage of Schedule 7 poisons for retail sale must be securely lockable and must be kept locked. The key to any secure place must be kept in the personal possession of the licensed/authorised person, or a responsible adult authorised by the person.

## **DISPLAY OF SCHEDULE 7 POISONS**

Retailers who wish to display packs of Schedule 7 poisons in the shop area should be advised to use empty containers only. Containers can be those which have been washed out and returned by customers after use or those supplied by manufacturers for advertising purposes.