

Licence to sell poisons by retail

Your obligations

This document provides details about the obligations of a person authorised to sell Schedule 7 (S7) poisons, including Restricted S7 poisons, under the *Medicines and Poisons Act 2019* (the Act) and the Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 (the Regulation). Compliance with this document is a condition of your licence.

Controls on sale of S7 poisons and Restricted S7 (RS7) Poisons

A licensed retailer must not:

- sell an S7 poison or a restricted S7 poison, unless the purchaser:
 - holds an approval or licence under the Medicines and Poisons Act 2019; or
 - is an Approved¹ person prescribed in Schedule 2 of the Regulation who is authorised to buy the poison, or
 - is authorised to purchase for legitimate workplace use and the workplace is not an excluded place prescribed in Schedule 4 of the Regulation and the poison is not a restricted S7 poison prescribed in Schedule 1 of the Regulation.

*** Note that all persons who are seeking to buy RS7 poisons must hold a current Approval under the Act.**

- sell an S7 poison for domestic use. It is the licensee's responsibility to ensure that adequate checks are made at the time of sale to ensure that the sale is restricted to appropriately authorised persons under the Act. A customer validation process will enable you to accomplish this (see below).
- sell fluoroacetic acid (1080) baits or capsules, strychnine, para-aminopropiophenone (PAPP) or cyanide without the purchaser's Approval being sighted, taking note of any maximum allowed quantities of the poison on the Approval.
- sell an S7 poison at any place other than the location specified on the Licence.
- allow someone other than a competent adult employee of the licensee to sell an S7 poison under the licence.
- sell a S7 poison for agricultural use that is not registered by the Australian Pesticides and Veterinary Medicines Authority (APVMP) for use in Queensland.

¹ An approved person is a member of a class of persons prescribed in Schedule 2 of the Regulation for a regulated activity with a regulated substance e.g. a farmer can buy low-risk fluoroacetic acid baits to control invasive animals or a local government employee can buy an S7 herbicide.

Obtaining Schedule 7 poisons, including Restricted S7 Poisons

A licensed retailer must obtain S7 poison, including restricted S7 poisons from an appropriately authorised manufacturer or wholesaler.

A **purchase order** for the poisons being purchased by wholesale must be provided to the manufacturer or wholesaler before or at the time of supply. Purchase orders must contain the following information:

- Date of the purchase order
- The buyer's name and contact details
- if the buyer carries on a business—the buyer's ABN.
- Details of the buyer's authorisation under the Act to buy the poison
- The name and amount of poison being purchased; and
- A delivery address, if being delivered to the purchaser

Purchase orders must be prepared and sent in a way that reasonably minimises fraud or tampering (other than changes made by the buyer or supplier) and must be signed by the buyer or include a unique identifier.

Supplying Schedule 7 poisons, including Restricted S7 Poisons

When a supplier (includes a retailer, manufacturer or wholesaler) supplies a regulated poison to a buyer, they must provide an invoice for the poisons, which includes the following information:

- a unique identifier for the invoice.
- the date of the supply.
- the name and contact details of the buyer.
- if the buyer carries on a business—the buyer's ABN.
- the name and amount of the poison.

A supplier must not supply a Restricted S7 poison unless the buyer:

1. signs a document confirming they have received the poison e.g., when purchasing and collecting the poison at the retailer's store; or
2. when the poison is delivered to the buyer, the buyer signs the receipt on delivery; or
3. when the buyer is unable to sign the receipt at the time of delivery, the receipt may be left with the poison for the buyer to sign and return to the supplier.

* Note, if the supplier has not received the buyer's signed receipt within 7 days of delivery the supplier must notify Queensland Health by contacting your local [Public Health Unit](#).

As far as reasonably practicable, regulated poisons must be delivered directly to the address nominated by the buyer or stated on the buyer's purchase order.

Retailers must store S7 poisons in accordance with the Queensland Health Guideline for storage of poisons and prohibited substance, which can be found at [[Guidelines for storage of poisons and prohibited substances \(health.qld.gov.au\)](#)].

The retailer must ensure that records of the purchase order and invoice are kept for five years and that the records can be easily retrieved

Labels and containers

A licensed retailer must only sell poisons that are packaged and labelled in accordance with the current Poisons Standard. Poisons that have damaged packaging or have a label that has been covered, changed, defaced, or removed must not be sold. Should a packaged poison become damaged, the poison must be dealt with in the following ways:

- if the contents are to be used by the person – emptied into another container, which must then be labelled with the poison’s approved name and the signal words for the poison in capital letters (e.g., DANGEROUS POISON); or
- if the contents are to be disposed of – dispose of them lawfully and in accordance with any requirements specified in the Queensland Health document Regulated poisons disposal requirements, which can be found at [[Regulated Poisons Disposal Requirements \(health.qld.gov.au\)](https://www.health.qld.gov.au/regulated-poisons-disposal-requirements)].

Customer validation process

Retailers must only sell S7 poisons to customers with known identity and valid use e.g. a landholder with livestock purchasing an S7 tick treatment. Staff who sell S7 poisons must be trained in the correct processes for ensuring S7 poisons are only sold to customers authorised to purchase them.

A customer validation process (CVP) must be established in this regard. The CVP must be checked periodically to verify it is appropriate.

Concerns about the validity of a buyer’s authority should be reported to your local [Public Health Unit](#).

Record keeping requirements

Information recorded to comply with the Regulation must be written in English and if in hardcopy form must be written legibly in ink.

Records must be readily retrievable and kept in way that they cannot be altered, destroyed or removed without detection and must be kept for 5 years.

Paraquat sale requirements

Liquid paraquat must be coloured to appear blue or green and treated with a stenching agent to make the paraquat smell offensive.

Further information

A copy of the Regulation can be viewed at <https://www.legislation.qld.gov.au/view/pdf/inforce/current/sl-2021-0141>

Additional information including licence application information can be found on the health website <https://www.health.qld.gov.au/system-governance/licences/medicines-poisons/poisons>