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MISUSE OF DRUGS ACT
(CHAPTER 185)

MISUSE OF DRUGS
(AMENDMENT NO. 2) REGULATIONS 2021

In exercise of the powers conferred by section 58(1) of the Misuse of Drugs Act, the Minister for Home Affairs makes the following Regulations:

Citation and commencement

1. These Regulations are the Misuse of Drugs (Amendment No. 2) Regulations 2021 and come into operation on 15 December 2021.

Amendment of regulation 2

2. Regulation 2(1) of the Misuse of Drugs Regulations (Rg 1) (called in these Regulations the principal Regulations) is amended —

(*a*) by inserting, immediately before the definition of "dentist", the following definition:

> " "collaborative practice agreement" and "collaborative prescribing practitioner" have the meanings given by regulation 56C(6) of the Private Hospitals and Medical Clinics Regulations (Cap. 248, Rg 1);"; and

(*b*) by inserting, immediately before the words "or by a veterinary surgeon for the purposes of animal treatment" in the definition of "prescription", the words ", by a collaborative prescribing practitioner practising in accordance with the collaborative practice agreement applicable to him".

Deletion and substitution of regulation 3

3. Regulation 3 of the principal Regulations is deleted and the following regulation substituted therefor:

"**Exceptions for drugs in First Schedule**

3. Sections 5, 6, 7 and 8 of the Act do not apply in relation to the controlled drugs specified in the First Schedule.".

Deletion and substitution of regulation 5

4. Regulation 5 of the principal Regulations is deleted and the following regulation substituted therefor:

"**General authority to possess and supply controlled drugs**

5.—(1) Despite section 8 of the Act, any of the following persons is permitted by these Regulations to lawfully have any controlled drug in his possession:

(*a*) an officer when acting in the course of his duty and in the exercise of his powers under the Act;

(*b*) a person engaged in the business of a carrier when acting in the course of that business;

(*c*) a person engaged in the work of any laboratory to which the drug has been sent for forensic examination when acting in the course of his duty as a person so engaged;

(*d*) a person engaged in conveying the drug to a person authorised by these Regulations to have it in his possession.

(2) Despite section 5 of the Act, any of the persons mentioned in paragraph (1) may, when acting in that capacity, supply or offer to supply any controlled drug to any person who is permitted by these Regulations to lawfully have that drug in his possession.".

Deletion and substitution of regulation 6

5. Regulation 6 of the principal Regulations is deleted and the following regulation substituted therefor:

"**Administration of drugs in Second and Third Schedules**

6.—(1) Only a medical practitioner, a dentist, or a collaborative prescribing practitioner practising in accordance with the collaborative practice agreement applicable to him, may administer to a patient any drug specified in the Second or Third Schedule.

(2) Any person other than a medical practitioner, a dentist, or a collaborative prescribing practitioner, may administer any drug specified in the Second or Third Schedule to a patient, only in accordance with the directions of —

(*a*) a medical practitioner;

(*b*) a dentist; or

(*c*) a collaborative prescribing practitioner practising in accordance with the collaborative practice agreement applicable to him.".

Deletion and substitution of regulation 7

6. Regulation 7 of the principal Regulations is deleted and the following regulation substituted therefor:

"**Manufacture and supply of drugs in Second Schedule**

7.—(1) Despite section 6 of the Act —

(*a*) a practitioner or pharmacist, acting in that capacity, may manufacture or compound any drug specified in the Second Schedule; or

(*b*) a person lawfully conducting a retail pharmacy business and acting in that capacity may, at the premises at which the person carries on that business, manufacture or compound any drug specified in the Second Schedule.

(2) Despite section 5 of the Act, any of the following persons may, when acting in that capacity, supply or offer to supply any drug specified in the Second Schedule to any person who is permitted by these Regulations to lawfully have that drug in his possession:

(*a*) a practitioner;

(*b*) a pharmacist;

(*c*) a person lawfully conducting a retail pharmacy business;

(*d*) a nurse for the time being in charge of a ward, theatre or other department in a hospital when the drug is supplied to the nurse by a person responsible for the dispensing and supply of medicines at that hospital;

(*e*) a researcher who is approved by the Director to carry out any scientific research or project approved by the Director that involves any drug specified in the Second Schedule;

(*f*) a person who has charge or custody of the controlled drugs in a laboratory approved by the Director for the purpose of carrying out any scientific research or project mentioned in sub-paragraph (*e*);

(*g*) an analyst appointed under the Sale of Drugs Act;

(*h*) a collaborative prescribing practitioner practising in accordance with the collaborative practice agreement applicable to him;

(*i*) an inspector.

(3) Paragraph (2) does not authorise a nurse for the time being in charge of a ward, theatre or other department in a hospital to supply any drug, except to administer the drug to a patient in that ward, theatre or department (as the case may be) in that hospital in accordance with the directions of any of the following persons:

(*a*) a medical practitioner;

(*b*) a dentist;

(*c*) a collaborative prescribing practitioner practising in accordance with the collaborative practice agreement applicable to him.

(4) Despite section 5 of the Act, the master of a ship which does not carry a medical practitioner on board as part of the ship's complement may supply or offer to supply any drug specified in the Second Schedule —

(*a*) to any member of the crew; or

(*b*) to any person who may lawfully supply that drug.".

Amendment of regulation 8

7. Regulation 8 of the principal Regulations is amended —

(*a*) by deleting the word "Notwithstanding" in paragraph (1) and substituting the word "Despite"; and

(*b*) by deleting paragraphs (2), (3) and (4) and substituting the following paragraphs:

"(2) Despite section 5 of the Act, any of the following persons may, when acting in that capacity, supply or offer to supply any drug specified in the Third Schedule to any person who is permitted by these Regulations to lawfully have that drug in his possession:

(*a*) a practitioner;

(*b*) a pharmacist;

(*c*) a person lawfully conducting a retail pharmacy business;

(*d*) a nurse for the time being in charge of a ward, theatre or other department in a hospital when the drug is supplied to the nurse by a person responsible for the dispensing and supply of medicines at that hospital;

(*e*) a researcher who is approved by the Director to carry out any scientific research or project approved by the Director that involves any drug specified in the Third Schedule;

(*f*) a person who has charge or custody of the controlled drugs in a laboratory approved by the Director for the purpose of carrying out any scientific research or project mentioned in sub-paragraph (*e*);

(*g*) an analyst appointed under the Sale of Drugs Act;

(*h*) a collaborative prescribing practitioner practising in accordance with the collaborative practice agreement applicable to him;

(*i*) an inspector.

(3) Paragraph (2) does not authorise a nurse for the time being in charge of a ward, theatre or other department in a hospital to supply any drug, except to administer the drug to a patient in that ward, theatre or department (as the case may be) in that hospital in accordance with the directions of any of the following persons:

(*a*) a medical practitioner;

(*b*) a dentist;

(*c*) a collaborative prescribing practitioner practising in accordance with the collaborative practice agreement applicable to him.

(4) Despite section 5 of the Act, the master of a ship which does not carry a medical practitioner on board as part of the ship's complement may supply or offer to supply any drug specified in the Third Schedule —

(*a*) to any member of the crew; or

(*b*) to any person who may lawfully supply that drug.".

New regulation 8A

8. The principal Regulations are amended by inserting, immediately after regulation 8, the following regulation:

"**Supply of drugs in Fourth Schedule**

8A. Despite section 5 of the Act, any of the following persons may, when acting in that capacity, supply or offer to supply any drug specified in the Fourth Schedule to any person who is permitted by these Regulations to lawfully have that drug in his possession:

(*a*) a researcher who is approved by the Director to carry out any scientific research or project approved by the Director that involves any drug specified in the Fourth Schedule;

(*b*) a person who has charge or custody of the controlled drugs in a laboratory approved by the Director for the purpose of carrying out any scientific research or project mentioned in sub-paragraph (*a*);

(*c*) an analyst appointed under the Sale of Drugs Act;

(*d*) an inspector.".

Deletion and substitution of regulation 9

9. Regulation 9 of the principal Regulations is deleted and the following regulation substituted therefor:

"**Possession of drugs in Second, Third and Fourth Schedules**

9.—(1) Despite section 8 of the Act —

(*a*) a person specified in regulation 7(2) is permitted to lawfully have any drug specified in the Second Schedule in his possession;

(*b*) a person specified in regulation 8(2) is permitted to lawfully have any drug specified in the Third Schedule in his possession; or

(*c*) a person specified in regulation 8A is permitted to lawfully have any drug specified in the Fourth Schedule in his possession,

for the purpose of acting in his capacity as such.

(2) Despite section 8 of the Act, a person is permitted to lawfully have any drug specified in the Second or Third Schedule in his possession for administration for medical, dental or veterinary purposes in accordance with the directions of —

(*a*) a practitioner; or

(*b*) a collaborative prescribing practitioner practising in accordance with the collaborative practice agreement applicable to him.

(3) Paragraph (2) does not apply to a person to whom any controlled drug has been supplied by or on the prescription of a medical practitioner or collaborative prescribing practitioner if —

(*a*) that person —

(i) was then being supplied with any controlled drug by or on the prescription of another medical practitioner or collaborative prescribing practitioner; and

(ii) had failed to disclose that he had already been supplied with any controlled drug from the firstmentioned medical practitioner or collaborative prescribing practitioner; or

(*b*) that person or any other person on his behalf had made a declaration or statement, which was false in any particular, for the purpose of obtaining the supply or prescription.

(4) Despite section 8 of the Act —

(*a*) the master of a ship which does not carry a medical practitioner on board as part of the ship's complement, may have in his possession any drug

specified in the Second or Third Schedule so far as necessary for the purpose of compliance with the Merchant Shipping Act; and

(*b*) the master of a foreign ship which is in port may have in his possession any drug specified in the Second or Third Schedule so far as necessary for the equipment of the ship.".

Amendment of regulation 10

10. Regulation 10 of the principal Regulations is amended —

(*a*) by deleting the words "regulation 5(*d*)" in paragraph (1)(*b*) and substituting the words "regulation 5(1)(*d*)";

(*b*) by deleting sub-paragraphs (*b*), (*c*) and (*d*) of paragraph (5) and substituting the following sub-paragraphs:

"(*b*) a researcher who is approved by the Director to carry out any scientific research or project approved by the Director that involves any controlled drug;

(*c*) a person who has charge or custody of the controlled drugs in a laboratory approved by the Director for the purpose of carrying out any scientific research or project mentioned in sub-paragraph (*b*);

(*d*) the master of a ship which does not carry a medical practitioner on board as part of the ship's complement; and

(*e*) the master of a foreign ship in port."; and

(*c*) by deleting paragraph (6) and substituting the following paragraph:

"(6) Where the person responsible for the dispensing and supply of medicines at any hospital supplies a controlled drug to —

(*a*) a collaborative prescribing practitioner practising in accordance with the

collaborative practice agreement applicable to him in that hospital; or

(*b*) the nurse for the time being in charge of any ward, theatre or other department in that hospital,

the person so responsible must —

(*c*) obtain a requisition in writing, signed by the collaborative prescribing practitioner or nurse (as the case may be), which specifies the total quantity of the drug to be supplied; and

(*d*) mark the requisition in such manner as to show that it has been complied with.".

Amendment of First Schedule

11. The First Schedule to the principal Regulations is amended —

(*a*) by deleting the Schedule reference and substituting the following Schedule reference:

"Regulations 3, 10, 11, 12, 13, 18 and 20"; and

(*b*) deleting the Schedule heading and substituting the following Schedule heading:

"CONTROLLED DRUGS EXCEPTED FROM SECTIONS 5, 6, 7 AND 8 OF ACT AND SUBJECT TO REQUIREMENTS OF REGULATION 18".

Amendment of Fourth Schedule

12. The Fourth Schedule to the principal Regulations is amended by deleting the Schedule reference and substituting the following Schedule reference:

"Regulations 8A, 9, 14, 15 and 28".

[G.N. Nos. S 390/99; S 231/2000; S 436/2000; S 140/2001; S 492/2001; S 506/2005; S 490/2006; S 108/2007; S 525/2010; S 684/2010; S 270/2013; S 322/2014; S 571/2014; S 253/2015; S 199/2016; S 193/2017; S 234/2018; S 588/2018; S 88/2019; S 151/2019; S 353/2019; S 791/2019; S 350/2020; S 750/2020; S 283/2021]

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