



**AN BILLE SLÁINTE (BEARTÚ MUIRÍNE) (LEASÚ), 1992
HEALTH (FAMILY PLANNING) (AMENDMENT) BILL, 1992**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. "Principal Act".
2. "Contraceptive".
3. Control of sale and supply of contraceptives.
4. Supply of contraceptive sheaths.
5. Provisions relating to importers and manufacturers.
6. Amendment of section 65 of Health Act, 1947.
7. Short title, collective citation and construction.

ACTS REFERRED TO

Pharmacy Acts, 1875 to 1977

Health Act, 1947 1947, No. 28

Health (Family Planning) Act, 1979 1979, No. 20

Health (Family Planning) (Amendment) Act, 1985 1985, No. 4

(II) the person is a registered medical practitioner and the sale is made in a place where he ordinarily carries out his professional duties or

(III) the person is an employee of a health board acting as such and the sale is made in a health institution or



AN BILLE SLÁINTE (BEARTÚ MUIRÍNE) (LEASÚ), 1992
HEALTH (FAMILY PLANNING) (AMENDMENT) BILL, 1992

BILL

entitled

AN ACT TO AMEND AND EXTEND THE HEALTH (FAMILY 5
PLANNING) ACT, 1979, TO AMEND SECTION 65 OF THE
HEALTH ACT, 1947, AND TO PROVIDE FOR RELATED
MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

"Principal Act". 1.—In this Act "the Principal Act" means the Health (Family 10
Planning) Act, 1979.

"Contraceptive". 2.—Section 1 of the Principal Act is hereby amended by the
substitution for the definition of "contraceptive" of the following
definition:

"'contraceptive' means any appliance or instrument, including con- 15
traceptive sheaths, prepared or intended to prevent pregnancy result-
ing from sexual intercourse between human beings;"

Control of sale and 3.—(1) Subject to *sections 4 and 5* of this Act, a person shall not 10
supply of
contraceptives. sell contraceptives unless—

(a) the sale is in accordance with regulations for the purposes of 20
this subsection relating to the sale of contraceptives, and

(b) (i) (I) the person is a person keeping open shop for the
dispensing or compounding of medical pre-
scriptions in accordance with the provisions of
the Pharmacy Acts, 1875 to 1977, and the sale is 25
effected by or under the supervision of a regis-
tered pharmaceutical chemist, a registered dis-
pensing chemist and druggist or a licentiate of
Apothecaries Hall, and the sale is made at the
place where such open shop is kept, or 30

(II) the person is a registered medical practitioner and
the sale is made at a place where he ordinarily
carries out his professional duties, or

(III) the person is an employee of a health board acting
as such and the sale is made at a health insti- 35
tution, or

5 (IV) the person is, or is the servant or agent acting as such of, a person making available a family planning service in accordance with section 3 (3) of the Principal Act and the sale is made at the place where that service is being made available, or

2 (V) the person is an employee acting as such of a hospital and the sale is made at the hospital,

10 (ii) the person to whom the contraceptives are sold is over the age of 17 years or married or is named in a prescription or authorisation in writing for the contraceptives of a registered medical practitioner, or

15 (c) (i) the person is, or is a servant or agent acting as such of, a person who holds a licence granted to him under section 5 or 6 of the Principal Act and for the time being in force and the sale is in accordance with the licence, and

(ii) the sale is to a person specified in *paragraph (b) (i)* of this subsection.

20 (2) A person shall not supply contraceptives otherwise than by way of sale under and in accordance with this Act, save as may be specified in regulations.

25 (3) Where the Minister prescribes standards for contraceptives by regulations, a person shall not supply contraceptives which do not comply with the regulations.

(4) A person who contravenes this section, or regulations for the purposes of this section, shall be guilty of an offence.

(5) Section 4 of the Principal Act and the Health (Family Planning) (Amendment) Act, 1985, are hereby repealed.

30 (6) Regulations made for the purposes of section 4 of the Principal Act shall continue in force as if made for the purposes of this section.

35 4.—(1) (a) Subject to the provisions of *paragraph (b)* of this subsection and *subsection (2)* of this section, a person may supply contraceptive sheaths to persons over the age of 17 years or to persons who are married.

40 (b) A person shall not supply contraceptive sheaths by vending machine, or mobile outlet or as a street vendor or from a primary or secondary school, a youth club or sports centre catering for persons under the age of 17 years, or from such place, by such persons or in such manner as may be prescribed by regulations.

45 (2) A person shall not supply contraceptive sheaths from any place unless that place is under the supervision of a person over the age of 17 years.

(3) A person who supplies contraceptive sheaths otherwise than by way of sale under and in accordance with this Act shall be guilty of an offence.

Provisions relating to importers and manufacturers.

(4) In this section, "sports centre" means any premises purpose-built or adapted for the practice or playing of active sports.

5.—(1) A person shall be entitled to sell contraceptive sheaths to a person over 17 years of age for the purpose of re-sale in a manner not in contravention of this Act.

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(2) A person who holds a licence granted to him under section 6 of the Principal Act and for the time being in force, or a person who is a servant or agent acting as such of that person, shall be entitled to export contraceptives to which the licence relates.

(3) Sections 5 and 6 of the Principal Act shall not apply to contraceptive sheaths.

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Amendment of section 65 of Health Act, 1947.

6.—The expression "medical preparation" in section 65 of the Health Act, 1947, shall include—

(a) any drug or preparation intended to prevent pregnancy resulting from sexual intercourse between human beings, and

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(b) other preparations which may be used for restoring, correcting or modifying physiological functions in human beings.

Short title, collective citation and construction.

7.—(1) This Act may be cited as the Health (Family Planning) (Amendment) Act, 1992.

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(2) The Principal Act and this Act may be cited together as the Health (Family Planning) Acts, 1979 and 1992.

(3) The Principal Act and this Act shall be construed as one.

AN BILLE SLÁINTE (BEARTÚ MUIRÍNE)
(LEASÚ), 1992

HEALTH (FAMILY PLANNING)
(AMENDMENT) BILL, 1992

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú agus do leathnú an Achta Sláinte (Beartú Muiríne), 1979, do leasú alt 65 den Acht Sláinte, 1947, agus do dhéanamh socrú le haghaidh nithe gaolmhara.

BILL

(as initiated)

entitled

An Act to amend and extend the Health (Family Planning) Act, 1979, to amend section 65 of the Health Act, 1947, and to provide for related matters.

*An tAire Sláinte a thólaic,
30 Meitheamh, 1992*

*Presented by the Minister for Health,
30th June, 1992*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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