



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

**EXPLANATORY MEMORANDUM**

**1. Purpose of the Bill**

(i) The purpose of this Bill is to provide for an increase in the range of outlets permitted to sell condoms.

(ii) It reduces the age limit at which persons may buy condoms, without prescription, from 18 years to 17 years.

(iii) It also removes the requirement whereby prescriptions were required for other contraceptives for persons over the age of 18 years by restricting this requirement to persons aged under 17 years and who are single.

(iv) It removes the requirement whereby registered medical practitioners had to indicate on prescriptions that the prescriptions are for family planning or medical reasons.

(v) It removes the anomaly whereby pharmacists which were limited companies were legally prohibited from selling contraceptives.

(vi) It removes the requirements for importers and manufacturers of condoms to hold licences.

**2. Outline of main provisions**

*Section 1* defines the Principal Act as the Health (Family Planning) Act, 1979.

*Section 2* provides that the definition of contraceptive be amended (from the definition in the 1979 Family Planning Act) to refer to non-medical contraceptives (i.e. devices) only. Oral contraceptives (such as the contraceptive pill) and spermicidal preparations will not now be covered by the definition.

*Section 6* amends section 65 of the Health Act, 1947, to allow oral contraceptives and spermicidal preparations to be controlled as medical preparations. The opportunity is also being taken to bring the definition of medical preparation fully into line with that applying in the various Directives on medicinal products in the European Communities (section 6).

**3. Control of Sale and Supply of Contraceptives**

*Section 3* sets out the conditions governing the sale of contraceptives requiring a prescription or authorisation. It repeals section 4 of the Health (Family Planning) (Amendment) Act, 1985.

Contraceptives as defined in the Bill may be sold by the following:

- (a) all pharmacists and licentiates of Apothecaries Hall whether acting as individuals or as limited companies,
- (b) registered medical practitioners,
- (c) employees of health boards,
- (d) family planning clinics providing services with the consent of the Minister for Health,
- (e) employees of hospitals.

Importers and manufacturers may sell contraceptives to any of the outlets listed above.

Contraceptives as defined in the Bill may be sold to persons over the age of 17 years, or to persons who are married or to persons in respect of whom a prescription for a contraceptive has been issued by a doctor.

Section 4 permits the supply of contraceptive sheaths to persons over the age of 17 years or who are married provided the contraceptive sheaths are not supplied through vending machines, or mobile outlets, or street vendors or from a primary or secondary school, a youth club or sports centre catering for persons under 17 years of age or other places which may be prescribed by regulation and the vendor is over the age of 17 years.

#### 4. Provisions relating to importers and manufacturers

Section 5 repeals the requirement that importers and manufacturers of condoms require Ministerial licence. It also allows manufacturers of contraceptives to export and importers and manufacturers of contraceptives to re-sell contraceptives in accordance with the provisions of the Bill.

Section 6 amends section 65 of the Health Act, 1947 to bring medical contraceptives under the definition of, and control relating to, medical preparations. In addition, this section updates the definition of a medical preparation to bring it into line with EC definitions.

Section 7 gives the short title of the Act and provides that it will be cited and construed together with the Health (Family Planning) Act, 1979.

*An Roinn Sláinte,  
Meitheamh, 1992.*