



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

*Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann*

ARRANGEMENT OF SECTIONS

Section

1. "Principal Act".
2. "Contraceptive".
3. Amendment of section 9 of Principal Act.
4. Control of sale and supply of contraceptives.
5. Supply of contraceptive sheaths.
6. Provisions relating to importers and manufacturers.
7. Amendment of section 65 of Health Act, 1947.
8. Family planning services.
9. 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



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;".

Amendment of
section 9 of Principal
Act.

3.—Section 9 of the Principal Act is hereby amended by the deletion 11
of "that do not relate to the use of contraceptives".

Control of sale and
supply of
contraceptives.

4.—(1) Subject to *sections 5 and 6* of this Act, a person shall not 20
sell contraceptives unless—

(a) the sale is in accordance with regulations for the purposes of
this section 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- 25
scriptions in accordance with the provisions of
the Pharmacy Acts, 1875 to 1977, and the sale is
effected by or under the supervision of a regis-
tered pharmaceutical chemist, a registered dis-
pensing chemist and druggist or a licentiate of 30
Apothecaries Hall, and the sale is made at the
place where such open shop is kept, or

(II) the person is a registered medical practitioner and
the sale is made at a place where he ordinarily 35
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 institution, 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

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

(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.

(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.

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

30 (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.

35 5.—(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.

Supply of
contraceptive
sheaths.

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.

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

Provisions relating to importers and manufacturers.

6.—(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. 5

(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. 10

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

Amendment of section 65 of Health Act, 1947.

7.—The expression "medical preparation" in section 65 of the Health Act, 1947, shall include— 15

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

(b) other preparations which may be used for restoring, correcting or modifying physiological functions in human beings. 20

Family planning services.

8.—(1) The Minister shall secure the orderly organisation of comprehensive family planning services.

(2) For the purposes of *subsection (1)* of this section, the Minister may, without prejudice to the generality of this section, provide by regulations for the purposes of this section for the making available of a comprehensive family planning service by a health board or by persons other than a health board. 25

(3) Sections 2 and 3 of the Principal Act are hereby repealed.

Short title, collective citation and construction.

9.—(1) This Act may be cited as the Health (Family Planning) (Amendment) Act, 1992. 30

(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.

BILL

enacted

BILL

enacted

Act to amend and extend the Health (Family Planning) Act, 1977, to amend section 2 of the Health (Family Planning) Act, 1977, and to provide for the health of the people of the State of New South Wales.

Enacted by the Parliament of New South Wales

Enacted by the Parliament of New South Wales
1992, July 1992

Enacted by the Parliament of New South Wales
1992, July 1992

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BILLE

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.

An tAire Sláinte a thólaic

*Ritheadh ag Dáil Éireann,
9 Iúil, 1992*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

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BILL

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.

Presented by the Minister for Health

*Passed by Dáil Éireann,
9th July, 1992*

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