

[REDACTED]

Ref: H201806999

Dear [REDACTED]

Response to your request for official information

I refer to your request of 17 October 2018 under the Official Information Act 1982 (the Act) for:

"Could you please clarify this claim and provide reference to legislation that classifies oxygen as a drug, and any applicable regulations around its use? I cannot find any reference to it in the medicines act nor the misuse of drugs act. Reading St John SOP's its not listed as requiring an ATP either."

In response to your request I can advise that oxygen, when it is intended for a therapeutic purpose, is a medicine. The meanings of 'medicine' and 'therapeutic purpose' can be found in the Medicines Act 1981, respectively in sections 3 and 4. Oxygen that is not intended for a therapeutic purpose, for instance because it is intended for an industrial purpose, is not controlled under the Medicines Act 1981. The Medicines Act 1981 is a public document and can be viewed at the following link: <http://legislation.govt.nz/act/public/1981/0118/latest/DLM53790.html>.

For oxygen that is a medicine it must be approved for use as such through the New Zealand regulatory process, which is operated by Medsafe. There are a few exemptions to this but generally, oxygen supplied in cylinders marked as medical oxygen (or similar) and supplied in bulk to hospitals or supplied in mixtures (such as with Nitrous Oxide) is a medicine and is required to be approved (section 20 of the Medicines Act 1981).

Medicines are classified according to a risk-based system which is described in section 5 of the Medicines Act 1981. The classes are: 'prescription medicine', 'pharmacist-only medicine' (also called 'restricted medicine') and 'pharmacy medicine'. The classification of a particular medicine can be found in Schedule 1 of the Medicines Regulations 1984. If a medicine is not described as being within one of these classes it will be a 'general sales' medicine which means while it will still need to be an approved medicine, there is no access restriction.

Oxygen is a 'general sales' medicine which means a prescription is not required under the medicines legislation in order to obtain a supply. Note that oxygen mixed with nitrous oxide is classified as a prescription medicine.

In regard to the use of a particular medicine (such as oxygen), this would be a matter for the relevant health care professional's code of practice in relation to the provision of adequate patient care.

I trust this information fulfils your request.

Please note that this letter, with your personal details removed, may be published on the Ministry of Health website.

Yours sincerely



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