



Australian Government

Department of Health, Disability and Ageing
Therapeutic Goods Administration

Consultation: Proposed amendments to the Poisons Standard in relation to nitrous oxide – Joint ACMS-ACCS meeting #45, November 2026

11 September 2026

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About this consultation

Subdivision 3D.2 of the Therapeutic Goods Regulations 1990 (the Regulations) sets out the procedure to be followed where the Secretary receives an application under section 52EAA of the Therapeutic Goods Act 1989 (the Act) to amend the current Poisons Standard or decides to amend the Poisons Standard on his or her own initiative and decides to refer the proposed amendment to an expert advisory committee. These include, under regulation 42ZCZK, that the Secretary publish (in a manner the Secretary considers appropriate) the proposed amendment to be referred to an expert advisory committee, the committee to which the proposed amendment will be referred, and the date of the committee meeting. The Secretary must also invite public submissions to be made to the expert advisory committee by a date mentioned in the notice as the closing date, allowing at least 20 business days after publication of the notice.

In accordance with regulation 42ZCZK of the Regulations, the Secretary invites public submissions on scheduling proposals referred to the November 2026 meeting of the Advisory Committee on Medicines Scheduling (ACMS) and Advisory Committee on Chemicals Scheduling in joint session (Joint ACMS-ACCS #45). Submissions must be received by close of business **12 October 2026**.

Submissions should be provided through our [consultation hub](#). Any submission about any of the proposals to amend the Poisons Standard will be considered at the next meeting of the [Advisory Committee on Medicines Scheduling \(ACMS\)](#), meeting of the [Advisory Committee on Chemicals Scheduling \(ACCS\)](#), or a joint meeting of these two committees.

This consultation closes on 12 October 2026

We aim to provide documents in an accessible format. If you're having problems using this document, please contact medicines.scheduling@health.gov.au.

1 Proposed amendment referred for scheduling advice to Joint ACCS-ACMS meeting #45

1.1 Nitrous oxide

Proposal

This proposal is to amend the current Poisons Standard in relation to nitrous oxide to manage the increasing public health risks from its misuse. Currently, nitrous oxide for therapeutic use is a Prescription only (Schedule 4) substance while for all other uses it is a Poison (Schedule 6). Products classified as Schedule 6 and are required to carry first aid instructions, warning statements and safety directions regarding potential for nerve damage if inhaled. This consultation presents 2 proposals to amend the current scheduling of nitrous oxide.

Proposal 1

This proposal is initiated by the delegate of the Secretary of the Department of Health, Disability and Ageing (the Delegate). The Delegate is proposing to classify nitrous oxide when used for non-therapeutic purposes in amounts greater than 10 g as a Substance of such danger to health as to warrant prohibition of supply and use (Schedule 10). Non-therapeutic use of nitrous oxide in containers 10 g or less will continue to be captured under Schedule 6, be labelled as POISON and required to carry first aid instructions, warning statements and safety directions, as currently applies. The proposed amendments are as follows.

Schedule 4

NITROUS OXIDE for therapeutic use.

Schedule 6

NITROUS OXIDE **except** when included in Schedule 4 or Schedule 10.

Schedule 10

NITROUS OXIDE when packed in non-refillable containers each containing more than 10 g of nitrous oxide.

The effect of this proposal would be to prohibit the sale, supply and use of larger single-use containers that pose higher risk from misuse. This proposal is intended to complement the restrictions made, or in progress, by state and territory jurisdictions on the sale of nitrous oxide.

Proposal 2

This proposal is based on an application from a private applicant to amend the scheduling of nitrous oxide. The applicant has proposed to remove the existing Schedule 6 entry and instead classify nitrous oxide for non-therapeutic purposes as a Controlled Drug (Schedule 8) with certain exemptions for limited personal possession, and supply and use for legitimate industrial, automotive and hospitality purposes. The proposed amendments are as follows.

SCHEDULE 4

NITROUS OXIDE for therapeutic use

~~**SCHEDULE 6**~~

~~NITROUS OXIDE except when included in Schedule 4~~

SCHEDULE 8

NITROUS OXIDE except

- a) where it is a Schedule 4 Poison, or;
- b) where it is in the possession of an individual, in a quantity of less than 48 g, comprised of fewer than 6 individual bulbs each containing 8 g or less of the gas, or;

- c) where it is in the possession of a registered hospitality venue or licensed venue, in a quantity of less than 480 g, comprised of fewer than 60 individual bulbs, each containing 8 g or less of the gas, or;
- d) where it is in the possession of a legitimate importer, wholesaler, distributor or retailer, if that importer, wholesaler or distributor creates a copy of the identity of each person to whom it sells the gas, keeps those copies for five years, makes those copies available to any regulatory or law enforcement agency upon request, and where the importer, wholesaler, distributor or retailer does not advertise the gas for sale, and where the importer, wholesaler, distributor or retailer does not make the gas available for sale on the internet, or;
- e) where it is used as a refrigerant and where the equipment it is used in is only operated by a qualified technician, or;
- f) where it is mixed with greater than 100 ppm of sulphur dioxide and is for use in an automotive application.

None of the options propose any changes to the Schedule 4 classification of nitrous oxide for therapeutic purposes. Legitimate use of nitrous oxide for food, culinary and industrial purposes are permissible under both the options.

Delegate reasons for proposal 1

Despite the implementation of the scheduling decision in 2022 to classify nitrous oxide for non-therapeutic use as a Poison (Schedule 6) it is increasingly being misused for recreation purposes resulting in serious adverse outcomes in Australia. Adverse events include psychological disturbances, serious neurological effects such as permanent brain and spinal cord damage, sudden loss of blood pressure, fainting, hypoxia and fatal heart attacks.

Available data also shows a clear shift from the use of small bulbs to larger canisters, which is concerning given emerging evidence linking these products to greater exposure and increased neurotoxicity.

Several jurisdictions have imposed stricter regulation on the sale of nitrous oxide. However, further restrictions on access at a national level through scheduling could supplement the jurisdictional efforts to reduce nitrous oxide misuse and facilitate enforcement by the jurisdictions at the border.

Evidence for misuse of nitrous oxide

Data from the Victoria Poisons Information Centre (PIC) demonstrated increasing harm and need for clinical toxicology support from nitrous oxide misuse and a shift toward larger canister products. Calls to PIC that were referred to an on-call clinical toxicologist tripled between 2022 (21 calls) and 2025 (63 calls).

Victorian emergency department data also shows an increasing trend in the number of nitrous oxide related presentations per 10,000 ED presentations since 2022 with further upward change in trend occurring in March 2024. For emergency department presentations between 1 January 2022 and 30 June 2026, 38.5% showed psychiatric symptoms while 26.1% involved some level of documented self-harm risk, although it is not often possible to tell if the symptoms were caused by the use of nitrous oxide, or pre-dated its use. Young adults were the most affected group, with people aged 18–24 accounting for the largest proportion of presentations and those under 30 representing about two-thirds of cases, with no significant gender difference observed.

The Victorian data also shows that since 2021, there has been a clear shift from using small 8 g bulbs to larger canisters between 1 and 4 L. The proportion of cases referred to an on-call clinical toxicologist related to exclusive canister use increased from 6.2 per cent in 2021 to 77.8 per cent in 2025 (only calls where this data was recorded). Conversely, proportion of the calls referred to an on-call clinical toxicologist that involved use of bulbs decreased from 87.5% in 2021 to 4.8% in 2025.

Data on calls made to New South Wales PIC relating to nitrous oxide use shows more than doubling in calls about non-medical use of nitrous oxide between 2021 and 2023 (more than 50 calls). Emergency department presentations related to nitrous oxide in New South Wales public hospitals also increased by more than 20-fold increase between 2016 and 2023.¹

¹ NSW Ministry of Health, [Nitrous Oxide Reforms Consultation Paper](#) - March 2024, viewed 10 September 2026

Recent National Drug and Alcohol Research Centre report on the use of nitrous oxide among people who regularly use ecstasy and/or other illicit stimulants also showed a clear shift from the use of small bulbs to larger canisters.² While about 6% of the participants reported using larger canisters (>8 g) in the past 6 months in 2021, this had risen to 27% in 2023, and 51% in 2025.

The most reported source of nitrous oxide in the past 6 months was convenience stores, followed by 24/7 delivery services. A recent survey of 65 physical retail stores in Queensland found more than 41,000 nitrous oxide products ranging from 8 g canisters to 4 L cylinders in 57 retailers. While most were small 8–9 g canisters more than 1,300 cylinders greater than 1 L were also identified, along with accessories such as balloons, crackers, nozzles, and cream dispensers.

Coroner reports

Since the 2022 scheduling decision, there have been 8 coronial reports published linking nitrous oxide misuse to a range of serious harms, including fatal asphyxia, suffocation, drowning, chronic health deterioration and possible driver impairment. Several deaths involved direct nitrous oxide use immediately before the incident or in higher risk settings such as driving or swimming after inhaling the gas. Other cases involved polysubstance use, where nitrous oxide was not the primary cause of death but may have contributed to impairment, toxicity or altered mental state. Coroners highlighted recurring public health concerns, including youth access, increasing availability, inadequate data collection, difficulties detecting nitrous oxide post-mortem, and the need for stronger regulatory controls, surveillance, public education, retailer warnings and harm-reduction measures.

Risk management responses

Currently, in Victoria and South Australia it is illegal to sell nitrous oxide if the seller knows, or should reasonably know, that it will be inhaled or given to another person to inhale.³ In South Australia, it is also an offence to sell nitrous oxide to a person under 18 years. Retailers are required to display notices that evidence of a customer's age may need to be produced in order to purchase. Nitrous oxide also must not be sold between the hours of 10:00 pm and 5:00 am, on any day.⁴

Western Australia has also imposed restrictions on the sale of small nitrous oxide canisters which can only be sold to registered food businesses, businesses with a liquor licence that prepare alcoholic drinks on-site, educational and training institutions and cooking school businesses. Suppliers are required to collect evidence that nitrous oxide canisters are being sold to registered food or beverage businesses while buyers will need to provide evidence that they are an approved recipient. Penalties and/or convictions can be imposed on anyone caught selling nitrous oxide unlawfully.⁵

In Queensland, Queensland Health authorised officers can now seize nitrous oxide canisters found alongside illicit tobacco or nicotine products (such as vapes).⁶

In July 2026, New South Wales announced new restrictions on nitrous oxide sales that will be effective on 5 November 2026. Under these regulations, retail sales of bulbs containing 8–10 g of nitrous oxide will be capped at 250 g per customer per day and canisters or cylinders containing more than 10 g nitrous oxide will be banned from retail sale. Sales to individuals under 18 and same-day delivery and supply will also be prohibited, and sales will be restricted before 5 am and after 10 pm. Further, nitrous oxide products cannot be visibly displayed to customers in retail settings. Exemptions will be in place for legitimate use such as food and beverage businesses, some industrial and commercial applications, and nitrous oxide that is used therapeutically.⁷

² National Drug & Alcohol Research Centre report: Nitrous oxide product types and sources among people who regularly use ecstasy and/or other illicit stimulants, 2021-2025. Available at www.unsw.edu.au/research/ndarc/resources/nitrous-oxide-product-types-and-sources-edrs-national-2021-2025; accessed 21 Aug 2026.

³ Victorian Department of Health, [Responsible sale of solvents](#), viewed 20 August 2026

⁴ Legal Services Commission of South Australia, [Sale or supply of volatile solvents](#), viewed 20 August 2026

⁵ Government of Western Australia Department of Health, [Tougher nitrous oxide regulation now in effect](#), media release, 31 October 2024, viewed 20 August 2026

⁶ Queensland Government, Minister for Health and Ambulance Services, [Nation-leading laws strengthened to target rogue tobacco and vape traders](#), Ministerial Media Statement, 20 November 2025, viewed 20 August 2026

⁷ NSW Ministry of Health, [Summary of the Nitrous Oxide Regulatory Reform Process](#), July 2026, viewed 20 August 2026

Increasing reports of neurological and psychiatric harms associated with nitrous oxide use have prompted regulatory responses in multiple countries, including the United Kingdom and New Zealand.^{8,9}

The European Union Drugs Agency and the UK's Advisory Council on the Misuse of Drugs have recommended:

- limiting how many cartridges can be sold at once
- restricting online direct-to-customer sales
- setting age limits for sales and requiring age checks in shops and online
- preventing sales during certain hours, such as between 10 pm and 5 am
- restricting the sale of large canister sizes not intended for legitimate use
- banning sales in bars, clubs, and shops that sell alcohol, tobacco, or vapes.

In the UK, since 8 November 2023, possession of nitrous oxide is illegal if it is, or is likely to be, wrongfully inhaled (inhalation other than for medical or dental purposes or accidental inhalation). This includes possession for importation, exportation, production and supply to another person.

Since 5 June 2026, the New Zealand Government has implemented new regulations for nitrous oxide to address harms associated with its unlawful psychoactive use. Large nitrous oxide canisters containing more than 10 g of nitrous oxide and marketed for cream whipping are regulated as psychoactive substances under the *Psychoactive Substances Act, 2013*. The changes introduced stricter import controls, making it unlawful to import nitrous oxide without a permit issued by the Director-General of Health.

To support the new requirements, Medsafe established the Nitrous Oxide Importer Permit Scheme, which allows the continued importation of nitrous oxide for legitimate purposes, including commercial, industrial, medicinal, scientific, educational and food preparation uses.

Effect of the proposal on industry

Some industry suppliers of small bulbs containing nitrous oxide have advised that there is no legitimate use for the large non-refillable containers being marketed for culinary use. Cream chargers are specifically designed to be only pressurised from small single-use bulbs and they are not designed to reliably or safely pressurise the vessel from a larger container/cylinder, even with a regulator. Industry raised concerns that if cream chargers are pressurised in a way contrary to its design, then it may pose a hazard to users.

Industry suppliers of medical and industrial gases are not expected to be affected by proposal 1 as cylinders used for these purposes are designed to be refilled. The primary Australian Standards for refillable gas cylinders are AS 2030.1:2026 (Gas cylinders General requirements for pressure receptacles) and AS 2030.5:2026 (Gas cylinders Filling, inspection and testing of refillable cylinders).

Applicant reasons for proposal 2

Significant divergence occurs from the legitimate supply of nitrous oxide for culinary purposes into illicit use and thousands of tonnes are reportedly sold each year under the guise of culinary use. Around 90% of nitrous oxide imported into Australia may be illicitly used.

Import data released by the Australian Border Force showed a major increase in nitrous oxide imports over the past decade with imports rising to almost 4,000 tonnes by 2025. Concomitantly, since 2018 internet searches for nitrous oxide, delivery services hospital presentations related to the gas has also steadily increased.

Nitrous oxide is sold in tobacconists and in large canisters with no legitimate food purpose, often displayed alongside drug-use paraphernalia. Large bottles have become more common and most of the sales occur online, meaning retail display restrictions alone are unlikely to be effective. Online delivery services supply large quantities within minutes, claiming hospitality-supplier use. Large-volume online sales allow users to cheaply stockpile hundreds or thousands of bulbs, weakening the effect of restrictions on trading hours or retail sales.

⁸ [UK Home Office, Nitrous oxide: updated harms assessment, UK Government](#) viewed 28 July 2026

⁹ [New Zealand Ministry of Health, Nitrous oxide regulatory changes](#), viewed 28 July 2026

The applicant asserts that current state-based reforms are ad hoc and insufficient because they do not address the main supply-side drivers of misuse. Existing penalties are too lenient to deter suppliers, and prosecution is difficult because authorities must prove knowledge or intent.

Illicit users are young, influenced by perceptions that nitrous oxide is safe, cheap, readily available and effectively legal. Most users are said to be in their 20s, not under 18, limiting the effectiveness of age-based restrictions.

The applicant argues that there are legal loopholes around nitrous oxide sold online, including through 24/7 delivery websites, that make prosecution difficult. As a result, prosecutions for illegal supply are rare despite widespread misuse.

Suppliers drive misuse through aggressive marketing, late-night operations, rapid delivery and sales volumes far beyond legitimate culinary needs. Based on findings from overseas litigations, some suppliers know or should have known their products would be inhaled recreationally.

Background

Nitrous oxide (CAS No. 10024-97-2) is used in dental and medical practices for pain relief and sedation, and by food and beverage businesses as a food additive to create whipped cream, to infuse flavours into alcoholic drinks, and to create mousses and foams. It is also used in the automotive industry to enhance engine performance.

Nitrous oxide for medical use is supplied in large cylinders that are not available for purchase by the general public. For food and beverage use, nitrous oxide is supplied as compressed liquified gas in small metal bulbs (~8 g, single use containers suitable for cream chargers). Nitrous oxide is also supplied in larger non-refillable cylinders (from ~300 g to up to ~2 kg) marketed for culinary use.

Misuse

Nitrous oxide, when misused for recreational purposes is inhaled through 2 main methods:

- by releasing nitrous gas from cartridges (also referred to as bulbs, whippets, or “nangs”) into another object, such as a balloon from which the gas is inhaled, or
- larger non-refillable containers supplied with a simple regulator, tubing and face mask to deliver the gas for inhalation.

Inhalation results in immediate, but short-lived, dissociation (feeling separated or detached from body or physical environment). Frequently inhaling large amounts of nitrous oxide can lead to numbness and tingling in the hands or feet, poor balance and coordination, memory loss, psychological disturbances and serious neurological effects including permanent brain and spinal cord damage. Inhaling large amount of nitrous oxide can lead to loss of blood pressure, fainting, hypoxia and heart attacks which could be fatal.^{10,11}

Current scheduling

Nitrous oxide is currently listed in Schedules 4 and 6 and of the Poisons Standard as follows:

Schedule 4

NITROUS OXIDE for therapeutic use

Schedule 6

NITROUS OXIDE **except** when included in Schedule 4.

Nitrous oxide is also included in Appendix E and F as follows.

Appendix E, clause 3 – first aid instructions for poisons

Statement A: For advice, contact a Poisons Information Centre (e.g. phone Australia 13 11 26; New Zealand 0800 764 766) or a doctor (at once).

Appendix F, clause 4 – warning statements and safety directions

Warning statement 112: WARNING – May cause irreversible nerve damage if inhaled.

¹⁰ [WA Department of Health, Nitrous oxide \(nangs\), Healthy WA, viewed 28 July 2026](#)

¹¹ [Alcohol and Drug Foundation, Nitrous oxide, viewed 28 July 2026](#)

Safety direction 38: Do not intentionally inhale contents.

The decision to classify nitrous oxide for non-therapeutic use as a Schedule 6 substance was made in October 2021 after 2 rounds of public consultation and in consultation with the joint Advisory Committees on Medicines and Chemicals Scheduling.¹² Schedule 6 substances are those with moderate potential for causing harm which can be reduced through the use of distinctive packaging with strong warnings and safety directions on the label.

At that time, classifying nitrous oxide as a Dangerous poison (Schedule 7) or Prohibited substance (Schedule 9; for large quantities of the gas) or a Schedule 10 substance (for 8–10 g bulbs) was considered. Schedule 7 substances have a high potential for causing harm at low exposure and require special precautions during manufacture, handling or use. These poisons should be available only to specialised or authorised users and special regulations restricting their availability, possession, storage or use may apply. Schedule 9 includes substances which may be abused or misused, the manufacture, possession, supply or use of which should be prohibited by law except when required for medical or scientific research, or for analytical, teaching or training purposes with approval of the relevant health authorities. Schedule 10 includes substances of such danger to health as to warrant prohibition of supply and use.

Based on the information and advice available at the time, the delegate considered that nitrous oxide did not meet the scheduling criteria for Schedule 7 (or above). Further, at that time, the misuse of nitrous oxide predominantly involved 8–10 g bulbs. It was considered that, on balance, creating a Schedule 6 entry for nitrous oxide would contribute positively to public health and safety while enabling continued access by the public and industry (hospitality, engineering and scientific research) and the labelling requirement may directly help mitigate harm. This decision was implemented on 1 October 2022.

Australian regulations

- According to the [TGA Ingredient Database](#), nitrous oxide is:
 - available for use as an active ingredient in: Biologicals, Export Only, Prescription Medicines
 - available for use as an Excipient Ingredient in: Biologicals, Devices, Prescription Medicines
 - not available as an Equivalent Ingredient in any application.
- As of 4 September 2026, there were 7 medicines currently active on the [Australian Register of Therapeutic Goods \(ARTG\)](#) that contain nitrous oxide as an active ingredient. These are either pure nitrous oxide gas or nitrous oxide in mixture with other gases (generally oxygen).
- There are no warning statements pertaining to nitrous oxide in the [Therapeutic Goods \(Medicines Advisory Statements\) Specification 2021](#).
- Nitrous oxide is not permitted to be included in listed medicines as it is not included in the [Therapeutic Goods \(Permissible Ingredients\) Determination](#) No. 2 of 2026.
- Between 1 June 2016 and 9 July 2026, there were 37 reports of adverse events for products containing nitrous oxide as an active ingredient on the [Database of Adverse Event Notifications \(DAEN\)](#)¹³, with 19 reports where nitrous oxide was the single suspected medicine. There were 3 reports of deaths associated with these reports of adverse events.

¹² [Notice of final decisions to amend \(or not amend\) the current Poisons Standard in relation to nitrous oxide](#) published 8 October 2021

¹³ Anyone can report an adverse event to including members of the public, health professionals and pharmaceutical companies. Adverse event reports reflect the observations of the people submitting them and can be incomplete or inaccurate. Inclusion of a medicine in DAEN does not mean that the adverse event has been confirmed or that it was caused by a medicine or vaccine. The DEAN data also cannot be used on its own to assess the frequency of an adverse event, a product's safety or compare its safety to other products.

- The [TGA prescribing medicines in pregnancy database](#) classifies nitrous oxide as:

Drug name	Category	Classification Level 1	Classification Level 2	Classification Level 3
Nitrous oxide	A	Drugs Used in Anaesthesia	General anaesthetics	–
Safety statement: All general anaesthetics carry the potential to produce central nervous system and respiratory depression in the newborn infant. In routine practice this does not appear to be a problem. However, in the compromised fetus, careful consideration should be given to this potential depression and to the selection of particular anaesthetic drugs, doses and techniques.				

- Nitrous oxide is not listed on the Australia Pesticide and Veterinary Medicine Authority [Public Chemical Registration Information System Search \(PubCRIS\)](#) or the Australian Industrial Chemicals Introduction Scheme (AICIS) [Australian Inventory of Industrial Chemicals \(Inventory\)](#).

International regulations

- In Canada, New Zealand, European Union, the United Kingdom (UK) and the United States of America (USA), all nitrous oxide products for medicinal use require a prescription. Six products are currently marketed in Canada ([Health Canada Drug Product Database](#)) whereas 7 products are available in the USA ([United States Food and Drug Administration Approved Drug Products Database \(Drugs@FDA\)](#)).
- In the UK, the manufacture and supply of medicinal products containing nitrous oxide is controlled by [the Human Medicines Regulations, 2012](#). The product requires a marketing authorisation and there are restrictions on who may buy and supply it. If cylinders containing nitrous oxide are equipped with valves with an integrated pressure regulator, these device components are controlled according to the [European Medical Device Regulation \(Regulation \(EU\) 2017/745\)](#) and the [UK Medical Devices Regulations, 2002](#).

How to respond

Submissions must be provided by the closing date of **12 October 2026** through our [consultation hub](#). Any submission about any of the proposals to amend the Poisons Standard will be considered at the next joint meeting of the [Advisory Committee on Medicines Scheduling \(ACMS\)](#) and the [Advisory Committee on Chemicals Scheduling \(ACCS\)](#).

What will happen

All public submissions will be published on the TGA website at [Public submissions on scheduling matters](#), unless marked confidential or indicated otherwise in the submission coversheet (see [Privacy information](#)).

Following consideration of public submissions received before the closing date and advice from the expert advisory committee/s, decisions on the proposed amendments will be published as interim decisions on the TGA website: [Scheduling delegate's interim decisions & invitations for further comment](#).

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