

Policy Amendment: Forensic Drug and Alcohol Sampling in NSW Health Public Hospital EDs

Summary This Information Bulletin announces the publication of NSW Health's revised forensic drug and alcohol sampling policy directive. The policy clarifies the roles of authorised sample takers, outlines legal requirements, and standardises procedures in Emergency Departments until the policy undergoes full revision in 2026.

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Applies to Local Health Districts, Chief Executive Governed Statutory Health Corporations, Specialty Network Governed Statutory Health Corporations, Affiliated Health Organisations, NSW Health Pathology, Public Health System Support Division, Government Medical Officers, Public Hospitals

Distributed to Ministry of Health, Public Health System, Divisions of General Practice, Government Medical Officers, NSW Ambulance Service, Private Hospitals and Day Procedure Centres

Audience Emergency Department Clinical Staff and Managers

Policy Amendment: Forensic Drug and Alcohol Sampling in NSW Health Public Hospital EDs

Purpose

This Information Bulletin announces the publication of the NSW Health Policy Directive *Forensic Drug and Alcohol Sampling in NSW Health Public Hospital Emergency Departments* ([PD2025_020](#)), which supersedes the *Forensic Drug and Alcohol sampling in Emergency Departments* (PD2021_010).

The amendments are designed to ensure compliance with NSW legislation and regulations, clarify the forensic sample handling procedures across NSW Health Public Hospital Emergency Departments, and define the roles and responsibilities of NSW Health employees involved in the process. These changes are intended to address immediate issues until the full revision of the Policy Directive in early 2026.

Key Information

Background

In accordance with the *Road Transport Act 2013* (Schedule 3), *Marine Safety Act 1998* (Schedule 1), the *Rail Safety (Adoption of National Law) Regulation*, and the *Law Enforcement (Powers and Responsibilities) Act 2002 No 103*, NSW hospitals are required to provide a 24/7 service for the collection of forensic blood and urine samples for drug and alcohol testing. This service is currently being provided through Emergency Departments (EDs).

The NSW Health Policy Directive *Forensic Drug and Alcohol Sampling in NSW Health Public Hospital Emergency Departments* ([PD2025_020](#)) reflects the necessary updates to support the roles of authorised sample takers and ensure that NSW Health employees involved in the forensic sampling process comply with the required legal and regulatory frameworks.

Key Amendments

1. Immediate Amendments for Interim Period

The primary focus of these amendments is to address urgent operational needs and provide immediate clarity in the interim period, ahead of the full policy revision in early 2026. Key changes include:

- Definition and clarification of the roles of authorised sample takers.
- Updates to sample handling protocols to ensure consistency with NSW Police procedures.

- Revision of the *Quick Reference Guide* (Appendix 1) to clarify the B Kit protocol

These amendments are crucial for maintaining operational continuity and legal compliance until further consultation and revisions take place.

2. Compliance with Legislation

The NSW Health Policy Directive *Forensic Drug and Alcohol Sampling in NSW Health Public Hospital Emergency Departments* ([PD2025_020](#)) ensures that NSW Health fully complies with relevant state legislation, including the *Road Transport Act 2013*, *Marine Safety Act 1998*, *Rail Safety (Adoption of National Law) Regulation*, and the *Law Enforcement (Powers and Responsibilities) Act 2002*. It provides detailed guidance to ensure the procedures align with the legislative requirements.

3. Clarification of Roles and Responsibilities

The NSW Health Policy Directive *Forensic Drug and Alcohol Sampling in NSW Health Public Hospital Emergency Departments* ([PD2025_020](#)) provides clear definitions of the roles and responsibilities of NSW Health employees involved in forensic drug and alcohol testing. This includes ensuring authorised sample takers are properly trained and comply with all legal procedures related to sample collection, handling, and documentation.

Out of Scope - Forensic Sampling for Other Legal Matters

It is important to note that NSW Health Policy Directive *Forensic Drug and Alcohol Sampling in NSW Health Public Hospital Emergency Departments* ([PD2025_020](#)) does not cover forensic sampling related to other legal matters, such as sexual assault or drink spiking. The scope is limited to drug and alcohol testing for the purposes outlined by the relevant legislation.