

## Article - Criminal Law

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§5–202.

(a) The Department shall control all substances listed in Subtitle 4 of this title.

(b) In accordance with the Administrative Procedure Act, the Department may add a substance as a controlled dangerous substance on its own initiative or on the petition of an interested party.

(c) To determine whether to add a substance as a controlled dangerous substance, the Department shall consider:

- (1) the actual or relative potential for abuse of the substance;
- (2) if known, scientific evidence of the pharmacological effect of the substance;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse of the substance;
- (5) the scope, duration, and significance of abuse of the substance;
- (6) any risk that the substance poses to the public health;
- (7) the ability of the substance to cause psychological or physiological dependence; and
- (8) whether the substance is an immediate precursor of a controlled dangerous substance.

(d) After considering the factors listed in subsection (c) of this section, the Department shall:

- (1) make findings with respect to those factors; and
- (2) issue an order to control the substance if the Department finds that the substance has a potential for abuse.

(e) If the Department designates a substance as an immediate precursor of a controlled dangerous substance, a substance that is a precursor of the immediate precursor is not subject to control solely because it is a precursor of the immediate precursor.

(f) (1) A new substance that is designated as a controlled substance under federal law is a similarly controlled dangerous substance under this title unless the

Department objects to the inclusion.

(2) If the Department objects, it shall publish the reasons for the objection and give each interested party an opportunity to be heard.

(3) After the hearing, the Department shall publish its decision, which is final.

(4) An action for judicial review of a final decision made in accordance with this section does not stay the effect of the decision.

(g) The Department annually shall update and republish a schedule.

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