SENATE BILL 87

J1 8lr0040

(PRE–FILED)

By: **Chair, Finance Committee (By Request – Departmental – Health)**
Requested: September 18, 2017
Introduced and read first time: January 10, 2018
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: January 22, 2018

CHAPTER _____

AN ACT concerning

Controlled Dangerous Substances – Registration, Schedules, Penalties, and Orders of Impoundment

FOR the purpose of requiring a person to be registered by the Maryland Department of Health before the person transports a controlled dangerous substance into the State under certain circumstances; altering the lists of substances designated as controlled dangerous substances under certain schedules under the Maryland Controlled Dangerous Substances Act; authorizing the Department to impose a certain civil penalty for each violation of the Maryland Controlled Dangerous Substances Act; requiring the Department to pay a certain penalty imposed by the Department into the General Fund of the State; authorizing the Department to issue an order of impoundment and immediately impound certain bulk powders and chemicals under certain circumstances; applying certain procedural requirements for impounding certain drugs to the impoundment of certain bulk powders and chemicals; authorizing the Department to charge certain fees to recover certain costs; altering certain required procedures relating to the destruction or transfer of impounded drugs and applying the procedures to impounded bulk powders and chemicals; requiring the Department to adopt certain regulations; altering a certain definition; and generally relating to controlled dangerous substances.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–301 and 5–402 through 5–406
Annotated Code of Maryland

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

(2012 Replacement Volume and 2017 Supplement)

BY adding to
Article – Criminal Law
Section 5–908
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–1113
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

5–301.

(a) (1) Except as otherwise provided in this section, a person shall be registered by the Department before the person manufactures, distributes, or dispenses a controlled dangerous substance in the State **OR TRANSPORTS A CONTROLLED DANGEROUS SUBSTANCE INTO THE STATE**.

(2) The Department shall adopt regulations to carry out this subsection.

(b) An applicant must register separately each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses a controlled dangerous substance.

(c) To the extent authorized by the registration and subject to subsection (b) of this section and this subtitle, a person registered by the Department under this subtitle may:

(1) possess, manufacture, distribute, or dispense controlled dangerous substances; and

(2) perform any activity listed in item (1) of this subsection to conduct research.

(d) A person need not register with the Department to possess a controlled dangerous substance while acting in the course of the person's business or profession if the person is:

(1) an agent or agent's employee of a registered manufacturer, distributor, or dispenser of a controlled dangerous substance;

(2) a common or contract carrier or warehouseman, or an employee of a common or contract carrier or warehouseman; or

(3) an ultimate user or person in possession of a controlled dangerous substance acting in good faith in accordance with a lawful order of an authorized provider.

(e) If the Department finds that a waiver is consistent with public health and safety, by regulation, the Department may waive the registration requirement for a manufacturer, distributor, or dispenser.

5–402.

(a) Schedule I consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule I by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule I controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) **UNLESS SPECIFICALLY EXCEPTED UNDER THIS SUBTITLE OR LISTED IN ANOTHER SCHEDULE, ANY OF THE FOLLOWING OPIATES, INCLUDING THEIR ISOMERS, INCLUDING OPTICAL AND GEOMETRIC ISOMERS, ESTERS, ETHERS, SALTS, AND SALTS OF ISOMERS, ESTERS, AND ETHERS, WHENEVER THE EXISTENCE OF SUCH ISOMERS, ESTERS, ETHERS, OR SALTS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, ARE**

[(1) These**]** substances **[**are**]** listed in Schedule I:

(1) ACETYL–ALPHA–METHYLFENTANYL;

[(i)**] (2)** acetylmethadol;

[(ii) alfentanil;**] (3) ACETYL FENTANYL (N–(1–PHENETHYLPIPERIDINE–4–YL)–N–PHENYLACETAMIDE);**

(4) AH–7921 (3,4–DICHLORO–N–[(1–DIMETHYLAMINO) CYCLOHEXYLMETHYL])BENZAMIDE;

[(iii)**] (5)** allylprodine;

[(iv)**] (6)** alphacetylmethadol, except levoalphacetylmethadol;

[(v)**] (7)** alphameprodine;

[(vi)**] (8)** alphamethadol;

(9) ALPHA–METHYLFENTANYL;

(10) ALPHA–METHYLTHIOFENTANYL;

[(vii)**] (11)** benzethidine;

[(viii)**](12)** betacetylmethadol;

(13) BETA–HYDROXYFENTANYL;

(14) BETA–HYDROXY–3–METHYLFENTANYL;

[(ix)**] (15)** betameprodine;

[(x)**] (16)** betamethadol;

[(xi)**] (17)** betaprodine;

[(xii)**] (18)** clonitazene;

[(xiii)**](19)** dextromoramide;

[(xiv) dextrorphan;**]**

[(xv)**] (20)** diampromide;

[(xvi)**] (21)** diethylthiambutene;

[(xvii) dimenoxadol;**]**

[(xviii)**] (22)** difenoxin;

(23) DIMENOXADOL;

[(xix)**] (24)** dimepheptanol;

[(xx)**] (25)** dimethylthiambutene;

[(xxi)**] (26)** dioxaphetyl butyrate;

[(xxii)**] (27)** dipipanone;

[(xxiii)**] (28)** ethylmethylthiambutene;

[(xxiv)**] (29)** etonitazene;

[(xxv**] (30)** etoxeridine;

[(xxvi)**] (31)** furethidine;

[(xxvii)**] (32)** hydroxypethidine;

[(xxviii)**] (33)** ketobemidone;

[(xxix)**] (34)** levomoramide;

[(xxx)**] (35)** levophenacylmorphan;

(36) 3–METHYLFENTANYL (N–3–METHYL–1–(2–PHENYLETHYL)–4–PIPERIDYL–1–N–PHENYLPROPANAMIDE);

(37) 3–METHYLTHIOFENTANYL;

[(xxxi)**] (38)** morpheridine;

(39) MPPP (1–METHYL–4–PHENYL–4–PROPIONOXYPIPERIDINE);

[(xxxii)**] (40)** noracymethadol;

[(xxxiii)**] (41)** norlevorphanol;

[(xxxiv)**] (42)** normethadone;

[(xxxv)**] (43)**norpipanone;

(44) PARA–FLUOROFENTANYL;

(45) PEPAP (1–(2–PHENETHYL)–4–PHENYL–4–ACETOXYPIPERIDINE);

[(xxxvi)**] (46)** phenadoxone;

[(xxxvii)**] (47)** phenampromide;

[(xxxviii)**] (48)** phenomorphan;

[(xxxix)**] (49)** phenoperidine;

[(xl)**] (50)** piritramide;

[(xli)**] (51)** proheptazine;

[(xlii)**] (52)** properidine;

[(xliii)**] (53)** propiram;

[(xliv)**] (54)** racemoramide; **[**and**]**

(55) THIOFENTANYL;

(56) TILIDINE; AND

[(xlv)**] (57)** trimeperidin.

[(2) Unless specifically excepted under this subtitle, an isomer, ester, ether, or salt of a substance listed in this subsection or a salt of the isomer, ester, or ether is a substance listed in Schedule I if the existence of the isomer, ester, ether, or salt is possible within the specific chemical designation.**]**

(c) **UNLESS SPECIFICALLY EXCEPTED UNDER THIS SUBTITLE OR LISTED IN ANOTHER SCHEDULE, ANY OF THE FOLLOWING OPIUM DERIVATIVES, INCLUDING THEIR SALTS, ISOMERS, AND SALTS OF ISOMERS, WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, OR SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, ARE SUBSTANCES LISTED IN SCHEDULE I:**

[(1) These opium derivatives are substances listed in Schedule I:

(i)**] (1)** acetorphine;

[(ii)**] (2)** acetyldihydrocodeine;

[(iii) acetylocodone;**]**

[(iv)**] (3)** benzylmorphine;

[(v)**] (4)** codeine methylbromide;

[(vi)**] (5)** codeine–N–oxide;

[(vii) codoxime;**]**

[(viii)**] (6)** cyprenorphine;

[(ix)**] (7)** desomorphine;

[(x)**] (8)** dihydromorphine;

[(xi)**] (9)** drotebanol;

[(xii) ethylmorphine methyliodide;**]**

[(xiii)**](10)** etorphine **(EXCEPT HYDROCHLORIDE SALT)**;

[(xiv) etorphine 3–methylether;**]**

[(xv)**] (11)** heroin;

[(xvi)**] (12)** hydromorphinol;

[(xvii)**] (13)** methyldesorphine;

[(xviii) methyldihydromorphinone;**]**

(14) METHYLDIHYDROMORPHINE;

[(xix) methylhydromorphine;**]**

[(xx)**] (15)** morphine methylbromide;

[(xxi) morphine methylchloride;**]**

[(xxii)**] (16)** morphine methylsulfonate;

[(xxiii)**] (17)** morphine–N–oxide;

[(xxiv)**] (18)** myrophine;

[(xxv)**] (19)** nicocodeine;

[(xxvi) nicodicodine;**]**

[(xxvii)**] (20)** nicomorphine;

[(xxviii) norcodeine;**]**

[(xxix)**] (21)** normorphine;

[(xxx)**] (22)** pholcodine; and

[(xxxi)**] (23)** thebacon.

[(2) Unless specifically excepted under this subtitle, a salt, isomer, or salt of an isomer of a substance listed in this subsection is a Schedule I substance if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.**]**

(d) **UNLESS SPECIFICALLY EXCEPTED UNDER THIS SUBTITLE OR LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING HALLUCINOGENIC SUBSTANCES, OR THAT CONTAINS ANY OF ITS SALTS, ISOMERS, INCLUDING OPTICAL, POSITION, AND GEOMETRIC ISOMERS, OR SALTS OF ISOMERS, WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, OR SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, IS A SUBSTANCE LISTED IN SCHEDULE I:**

[(1) A material, compound, mixture, or preparation that contains any of the following hallucinogenic or hallucinogenic–like substances is a substance listed in Schedule I:**]**

(1) ~~ALPHA–ETHYTRYPTAMINE~~ ALPHA–ETHYLTRYPTAMINE;

(2) 4–BROMO–2,5–DIMETHOXY–AMPHETAMINE;

(3) 4–BROMO–2,5–DIMETHOXYPHENETHYLAMINE;

(4) 2,5–DIMETHOXYAMPHETAMINE;

(5) 2,5–DIMETHOXY–4–ETHYLAMPHETAMINE (DOET);

(6) 2,5–DIMETHOXY–4–(N)–PROPYLTHIOPHENETHYLAMINE (2C–T–7);

(7) 4–METHOXYAMPHETAMINE (PMA);

(8) 5–METHOXY–3,4–METHYLENEDIOXY–AMPHETAMINE;

(9) 4–METHYL–2,5–DIMETHOXY–AMPHETAMINE;

(10) 3,4–METHYLENEDIOXY AMPHETAMINE;

(11) 3,4–METHYLENEDIOXYMETHAMPHETAMINE (MDMA);

(12) 3,4–METHYLENEDIOXY–N–ETHYLAMPHETAMINE (MDA);

(13) N–HYDROXY–3,4–METHYLENEDIOXYAMPHETAMINE;

(14) 3,4,5–TRIMETHOXYAMPHETAMINE;

(15) 5–METHOXY–N, N–DIMETHYLTRYPTAMINE;

(16) ALPHA–METHYLTRYPTAMINE (AMT);

[(i)**] (17)** bufotenine;

[(ii)**] (18)** diethyltryptamine **(DET)**;

[(iii)**] (19)** dimethyltryptamine **(DMT)**;

[(iv) 4–methyl–2, 5–dimethoxyamphetamine;**]**

(20) 5–METHOXY–N, N–DIISOPROPYLTRYPTAMINE (5–MEO–DIPT);

[(v)**] (21)** ibogaine;

[(vi)**] (22)** lysergic acid diethylamide;

[(vii)**] (23)** marijuana;

[(viii)**] (24)** mescaline;

(25) PARAHEXYL;

[(ix)**] (26)** peyote **(MEANING ALL PARTS OF THE PLANT PRESENTLY CLASSIFIED BOTANICALLY AS LOPHOPHORA WILLIAMSII LEMAIRE, WHETHER GROWING OR NOT, THE SEEDS THEREOF, ANY EXTRACT FROM ANY PART OF SUCH PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF SUCH PLANT, ITS SEEDS, OR EXTRACTS)**;

(27) N–ETHYL–3–PIPERIDYL BENZILATE;

(28) N–METHYL–3–PIPERIDYL BENZILATE;

[(x)**] (29)** psilocybin;

[(xi)**] (30)** psilocyn;

[(xii)**] (31)** tetrahydrocannabinols;

[(xiii) thiophene analog of phencyclidine;

(xiv) 2, 5–dimethoxyamphetamine;

(xv) 4–bromo–2, 5–dimethoxyamphetamine;

(xvi) 4–methoxyamphetamine;

(xvii) 3, 4–methylenedioxyamphetamine;

(xviii) 3, 4–methylenedioxymethamphetamine (MDMA);

(xix) 5–methoxy–3, 4–methylenedioxyamphetamine;

(xx) 3, 4, 5–trimethoxyamphetamine;

(xxi) N–methyl–3–piperidyl benzilate;

(xxii) N–ethyl–3–piperidyl benzilate;**]**

[(xxiii)**] (32) ETHYLAMINE ANALOG OF PHENCYCLIDINE (**N–ethyl–1–phenylcyclohexylamine**)**;

[(xxiv)**] (33) PYRROLIDINE ANALOG OF PHENCYCLIDINE (**1–(1–phenylcyclohexyl)–pyrrolidine**)**;

[(xxv)**] (34) THIOPHENE ANALOG OF PHENCYCLIDINE (**1–(1–(2–thienyl)–cyclohexyl)–piperidine**)**;

[(xxvi) 1–methyl–4–phenyl–4–propionoxypiperidine (MPPP);

(xxvii) 1–(2–phenylethyl)–4–phenyl–4–acetyloxypiperidine (PEPAP);

(xxviii) 3, 4–methylenedioxymethcathinone (methylone);**]**

(35) 1–[1–(2–THIENYL) CYCLOHEXYL] PYRROLIDINE;

[(xxix)**] (36)** 3, 4–methylenedioxypyrovalerone (MDPV);

[(xxx)**] (37)** 4–methylmethcathinone (mephedrone);

[(xxxi)**] (38)** 4–methoxymethcathinone (methedrone);

(39) 2–(2,5–DIMETHOXY–4–ETHYLPHENYL) ETHANAMINE (2C–E);

(40) 2–(2,5–DIMETHOXY–4–METHYLPHENYL) ETHANAMINE (2C–D);

(41) 2–(4–CHLORO–2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–C);

(42) 2–(4–IODO–2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–I);

(43) 2–(4–ETHYLTHIO–2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–T–2);

(44) 2–(4–ISOPROPYLTHIO)–2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–T–4);

(45) 2–(2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–H);

~~**(46) 2–(2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–H);**~~

~~**(47)**~~ **(46) 2–(2,5–DIMETHOXY–4–(N)–PROPYLPHENYL) ETHANAMINE (2C–P);**

~~**(48)**~~ **(47) 3,4–METHYLENEDIOXYMETHCATHINONE (METHYLONE);**

~~**(49)**~~ **(48) (1–PENTYL–1H–INDOL–3–YL) (2,2,3,3–TETRAMETHYLCYCLOPROPYL) METHANONE (UR–144);**

~~**(50)**~~ **(49) [1–(5–FLUORO–PENTYL)–1H–INDOL–3–YL] (2,2,3,3–TETRAMETHYLCYCLOPROPYL) METHANONE (5–FLUORO–UR–144, XLR11);**

~~**(51)**~~ **(50) N–(1–ADAMANTYL)–1–PENTYL–1H–INDAZOLE–3–CARBOXAMIDE (APINACA, AKB48);**

~~**(52)**~~ **(51) QUINOLIN–8–YL 1–PENTYL–1H–INDOLE–3–CARBOXYLATE (PB–22);**

~~**(53)**~~ **(52) QUINOLIN–8–YL 1–(5–FLUOROPENTYL)–1H–INDOLE–3–CARBOXYLATE (5–FLUORO–PB–22);**

~~**(54)**~~ **(53) N–(1–AMINO–3–METHYL–1–OXOBUTAN–2–YL)–1–(4–FLUOROBENZYL)–1H–INDAZOLE–3–CARBOXAMIDE (AB–FUBINACA);**

~~**(55)**~~ **(54) N–(1–AMINO–3, 3–DIMETHYL–1–OXOBUTAN–2–YL)–1–PENTYL–1H–INDAZOLE–3–CARBOXAMIDE (ADB–PINACA);**

~~**(56)**~~ **(55) 2–(4–IODO–2,5–DIMETHOXYPHENYL)–N–(2–METHOXYBENZYL) ETHANAMINE (25I–NBOME);**

~~(57)~~ (56) 2–(4–CHLORO–2,5–DIMETHOXYPHENYL)–N–(2–METHOXYBENZYL) ETHANAMINE (25C–NBOME);

~~(58)~~ (57) 2–(4–BROMO–2,5–DIMETHOXYPHENYL)–N–(2–METHOXYBENZYL) ETHANAMINE (25B–NBOME);

~~(59)~~ (58) MARIJUANA EXTRACT (MEANING AN EXTRACT CONTAINING ONE OR MORE CANNABINOIDS THAT HAS BEEN DERIVED FROM ANY PLANT OF THE GENUS CANNABIS, OTHER THAN THE SEPARATED RESIN, WHETHER CRUDE OR PURIFIED, OBTAINED FROM THE PLANT);

~~(60)~~ (59) 4–METHYL–N–ETHYLCATHINONE (4–MEC);

~~(61)~~ (60) 4–METHYL–ALPHA–PYRROLIDINOPROPIOPHENONE (4–MEPPP);

~~(62)~~ (61) ALPHA–PYRROLIDINOPENTIOPHENONE (A–PVP);

~~(63)~~ (62) 1–(1,3–BENZODIOXOL–5–YL)–2–(METHYLAMINO) BUTAN–1–ONE (BUTYLONE);

~~(64)~~ (63) 2–(METHYLAMINO)–1–PHENYLPENTAN–1–ONE (PENTEDRONE);

~~(65)~~ (64) 1–(1,3–BENZODIOXOL–5–YL)–2–(METHYLAMINO) PENTAN–1– ONE (PENTYLONE);

[(xxxii) 4–fluoromethmethcathinone (flephedrone);**]**

~~(66)~~ (65) 4–FLUORO–N–METHYLCATHINONE (FLEPHEDRONE);

[(xxxiii) 3–fluoromethcathinone (3–FMC); and**]**

~~(67)~~ (66) 3–FLUORO–N–METHYLCATHINONE (3–FMC);

[(xxxiv)**]** **~~(68)~~ (67)** cannabimimetic agents**;**

~~(69)~~ (68) 1–(NAPHTHALEN–2–YL)–2–(PYRROLIDIN–1–YL)PENTAN–1–ONE (NAPHYRONE); AND

~~(70)~~ (69) ALPHA–PYRROLIDINOBUTIOPHENONE (A–PBP).

[(2) Unless specifically excepted under this subtitle, a salt, isomer, or salt of an isomer of a substance listed in this subsection is a substance listed in Schedule I if

the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.**]**

(E) UNLESS SPECIFICALLY EXCEPTED UNDER THIS SUBTITLE OR LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES, OR THAT CONTAINS THEIR SALTS, ISOMERS, OR SALTS OF ISOMERS, WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, OR SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, IS A SUBSTANCE LISTED IN SCHEDULE I:

(1) 5–(1, 1–DIMETHYLHEPTYL)–2–[(1R,3S)–3–HYDROXYCYCLOHEXYL]–PHENOL (CP–47,497);

(2) 5–(1,1–DIMETHYLOCTYL)–2– [(1R,3S)3–HYDROXYCYCLOHEXYL] –PHENOL (CP–47,497 C8 HOMOLOGUE);

(3) 1–PENTYL–3–(1–NAPHTHOYL) INDOLE (JWH–018 AND AM678)

(4) 1–BUTYL–3–(1–NAPHTHOYL) INDOLE (JWH–073);

(5) 1–HEXYL–3–(1–NAPHTHOYL) INDOLE (JWH–019);

(6) 1–[2–(4–MORPHOLINYL)ETHYL]–3–(1–NAPHTHOYL) INDOLE (JWH–200);

(7) 1–PENTYL–3–(2–METHOXYPHENYLACETYL) INDOLE (JWH–250);

(8) 1–PENTYL–3–(1–(4–METHOXYNAPHTHOYL) INDOLE (JWH–081);

(9) 1–PENTYL–3–(4–METHYL–1–NAPHTHOYL) INDOLE (JWH–122);

(10) 1–PENTYL–3–(4–CHLORO–1–NAPHTHOYL) INDOLE (JWH–398);

(11) 1–(5–FLUOROPENTYL)–3–(1–NAPHTHOYL) INDOLE (AM2201);

(12) 1–(5–FLUOROPENTYL)–3–(2–IODOBENZOYL) INDOLE (AM694);

(13) 1–PENTYL–3–[(4–METHOXY)–BENZOYL] INDOLE (SR–19 AND RCS–4);

(14) 1–CYCLOHEXYLETHYL–3–(2–METHOXYPHENYLACETYL) INDOLE (SR–18 AND RCS–8); AND

(15) 1–PENTYL–3–(2–CHLOROPHENYLACETYL) INDOLE (JWH–203).

[(e)**] (F) UNLESS SPECIFICALLY EXCEPTED UNDER THIS SUBTITLE OR LISTED IN ANOTHER SCHEDULE, A MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING DEPRESSANT EFFECTS ON THE CENTRAL NERVOUS SYSTEM, OR THAT CONTAINS ITS SALTS, ISOMERS, OR SALTS OF ISOMERS, WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, OR SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, IS A SUBSTANCE LISTED IN SCHEDULE I:**

[(1) Unless specifically excepted under this subtitle or listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system is a substance listed in Schedule I:

(i)**]** **(1)** mecloqualone;

[(ii)**]** **(2)** methaqualone; and

(3) GAMMA–HYDROXYBUTYRIC ACID.

[(iii) a salt, isomer, or salt of an isomer of a substance listed in this paragraph if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.

(2) Any material, compound, mixture, or preparation that contains any of the following substances is a substance listed in Schedule I:

(i) 3–methylfentanyl (N–3–methyl–1–(2–phenylethyl)–4–piperidyl–1–N–phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers;

(ii) acetyl–alpha–methylfentanyl;

(iii) alpha–methylthiofentanyl;

(iv) benzylfentanyl;

(v) beta–hydroxy–3–methylfentanyl;

(vi) beta–hydroxyfentanyl;

(vii) thenylfentanyl;

(viii) thiofentanyl; and

(ix) 3–methylthiofentanyl.**]**

(G) UNLESS SPECIFICALLY EXCEPTED OR LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A STIMULANT EFFECT ON THE CENTRAL NERVOUS SYSTEM, OR THAT CONTAINS ITS SALTS, ISOMERS, OR SALTS OF ISOMERS, IS A SUBSTANCE LISTED IN SCHEDULE I:

(1) AMINOREX;

(2) N–BENZYLPIPERAZINE;

(3) CATHINONE;

(4) FENETHYLLINE;

(5) METHCATHINONE;

(6) 4–METHYLAMINOREX;

(7) (±)CIS–4–METHYLAMINOREX;

(8) N–ETHYLAMPHETAMINE; AND

(9) N, N–DIMETHYLAMPHETAMINE.

[(f)**] (H)** (1) In this subsection:

(i) "controlled dangerous substance analogue" means a substance:

1. that has a chemical structure substantially similar to the chemical structure of a controlled dangerous substance listed in Schedule I or Schedule II; and

2. that has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance listed in Schedule I or Schedule II; but

(ii) "controlled dangerous substance analogue" does not include:

1. a controlled dangerous substance;

2. a substance for which there is an approved new drug application; or

3. a substance exempted for investigational use under § 506 of the Federal Food, Drug, and Cosmetic Act.

(2) To the extent intended for human consumption, each controlled dangerous substance analogue is a substance listed in Schedule I.

[(g)**] (I)** The Department may not add a substance to Schedule I under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) no accepted medical use in the United States for the substance; and

(3) a lack of accepted safety for use of the substance under medical supervision.

5–403.

(a) Schedule II consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule II by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule II controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) (1) Unless the substance is listed in another schedule and except as provided in paragraph (2) of this subsection, opium and opiate, and a salt, compound, derivative, or preparation of opium or opiate is a substance listed in Schedule II, including:

(i) raw opium;

(ii) opium extracts;

(III) OPIUM FLUID EXTRACT;

[(iii)**] (IV)** opium fluid;

[(iv)**] (V)** powdered opium;

[(v)**] (VI)** granulated opium;

[(vi)**] (VII)** tincture of opium;

[(vii)**] (VIII)** codeine;

(IX) DEXTROPROPOXYHENE BULK (NONDOSAGE FORM);

(X) DIHYDROETORPHINE;

[(viii)**] (XI)** ethylmorphine;

[(ix)**] (XII)** etorphine hydrochloride;

[(x)**] (XIII)** hydrocodone;

[(xi)**] (XIV)** hydromorphone;

[(xii)**] (XV)** metopon;

[(xiii)**] (XVI)** morphine;

(XVII) ORIPAVINE;

[(xiv)**] (XVIII)** oxycodone;

[(xv)**] (XIX)** oxymorphone; and

[(xvi)**] (XX)** thebaine.

(2) Apomorphine, dextrorphan, nalbuphine, naloxone, and naltrexone, and their respective salts, are not substances listed in Schedule II.

(3) Substances listed in Schedule II also include:

(i) except for the isoquinoline alkaloids of opium, a salt, compound, derivative, or preparation that is chemically equivalent or identical to a substance listed in paragraph (1) of this subsection;

(ii) opium poppy **[**and**],** poppy straw**, AND POPPY STRAW CONCENTRATE**;

(iii) coca leaf;

(iv) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(v) ecgonine, its derivatives, their salts, isomers, and salts of isomers; and

(vi) a compound, mixture, or preparation that contains any of the substances listed in this section.

(4) A substance that is listed in Schedule II is included whether produced:

(i) directly or indirectly by extraction from substances of vegetable origin;

(ii) independently by chemical synthesis; or

(iii) by a combination of extraction and chemical synthesis.

(c) (1) These opiates are substances listed in Schedule II:

(I) ALFENTANIL;

[(i)**] (II)** alphaprodine;

[(ii)**] (III)** anileridine;

[(iii)**] (IV)** bezitramide;

(V) CARFENTANIL;

[(iv)**] (VI)** dihydrocodeine;

[(v)**] (VII)** diphenoxylate;

(VIII) ~~DROBINAL~~ DRONABINAL (IN ORAL SOLUTION);

[(vi)**] (IX)** fentanyl;

[(vii)**] (X)** isomethadone;

[(viii)**] (XI)** levoalphacetylmethadol;

[(ix)**] (XII)** levomethorphan;

[(x)**] (XIII)** levorphanol;

[(xi)**] (XIV)** metazocine;

[(xii)**] (XV)** methadone;

[(xiii)**] (XVI)** methadone – intermediate, 4–cyano–2–dimethylamino–4, 4–diphenyl butane;

[(xiv)**] (XVII)** moramide – intermediate, 2–methyl–3–morpholino–1, 1–diphenyl–propane–carboxylic acid;

[(xv)**] (XVIII)** pethidine;

[(xvi)**] (XIX)** pethidine – intermediate – A, 4–cyano–1–methyl–4–phenylpiperidine;

[(xvii)**] (XX)** pethidine – intermediate – B, ethyl–4–phenylpiperidine–4–carboxylate;

[(xviii)**] (XXI)** pethidine – intermediate – C, 1–methyl–4–phenylpiperidine–4–carboxylic acid;

[(xix)**] (XXII)** phenazocine;

[(xx)**] (XXIII)** piminodine;

[(xxi)**] (XXIV)** racemethorphan;

[(xxii)**] (XXV)** racemorphan; **[**and**]**

(XXVI) REMIFENTANIL;

[(xxiii)**] (XXVII)** sulfentanil**;**

(XXVIII) TAPENTADOL; AND

(XXIX) THIAFENTANIL.

(2) Unless specifically excepted under this subtitle, an isomer, ester, ether, or salt of an opiate and a salt of an isomer, ester, or ether is a substance listed in Schedule II if the existence of the isomer, ester, ether, or salt is possible within the specific chemical designation.

(d) A substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) phenmetrazine and its salts;

(3) a substance that contains any methamphetamine, including salts, optical isomers, and salts of its optical isomers, in combination with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(4) methylphenidate; **[**and**]**

(5) methamphetamine, its salts, optical isomers, and salts of optical isomers**; AND**

(6) LISDEXAMFETAMINE, ITS SALTS, ISOMERS, AND SALTS OF ISOMERS.

(e) (1) Unless specifically excepted under this subtitle or listed in another schedule, a substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:

(i) amobarbital;

(II) GLUTETHIMIDE;

[(ii)**] (III)** secobarbital;

[(iii)**] (IV)** pentobarbital;

[(iv)**] (V)** phencyclidine;

[(v)**] (VI)** 1–(1–phenylcyclohexyl) piperidine;

[(vi)**] (VII)** 1–phenylcyclohexylamine; and

[(vii)**](VIII)** 1–piperidinocyclohexanecarbonitrile.

(2) Unless specifically excepted under this subtitle or listed in another schedule, a salt, isomer, or salt of an isomer of a substance listed in this subsection is included in Schedule II if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.

(f) The Department may not add a substance to Schedule II under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) currently accepted medical use of the substance in the United States, or currently accepted medical use with severe restrictions; and

(3) evidence that abuse of the substance may lead to severe psychological or physical dependence.

5–404.

(a) Schedule III consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule III by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule III controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) (1) Substances listed in Schedule III include:

(i) nalorphine; and

(ii) except as provided in paragraph (2) of this subsection, an anabolic steroid consisting of a material, compound, or preparation that includes:

1. 13BETA–ETHYL–17BETA–HYDROXYGON–4–EN–3–ONE;

2. 17ALPHA–METHYL–3ALPHA,17BETA–DIHYDROXY–5ALPHA–ANDROSTANE;

3. 17ALPHA–METHYL–3BETA,17BETA–DIHYDROXYANDROST–4–ENE;

4. 17ALPHA–METHYL–4–HYDROXYNANDROLONE;

5. 17ALPHA–METHYL–DELTA1–DIHYDROTESTOSTERONE;

6. 19–NOR–4,9(10)–ANDROSTADIENEDIONE;

7. ~~19–NOR–4–ANDREOSTENEDIOL~~ 19–NOR–4–ANDROSTENEDIOL;

8. 19–NOR–4–ANDROSTENEDIONE;

9. 19–NOR–5–ANDROSTENEDIOL;

10. 19–NOR–5–ANDROSTENEDIONE;

11. 1–ANDROSTENEDIOL;

12. 1–ANDROSTENEDIONE;

13. 3ALPHA,17BETA–DIHYDROXY–5–ALPHA–ANDROSTANE;

14. 4–ANDROSTENEDIOL (4–AD);

15. 4–ANDROSTENEDIONE;

16. 4–HYDROXY–19–NORTESTOSTERONE;

17. 4–HYDROXYTESTOSTERONE;

18. 5–ANDROSTENEDIONE;

19. BOLASTERONE;

[1.**] 20.** boldenone;

21. BOLDIONE;

22. CALUSTERONE;

[2.**] 23.** chlorotestosterone;

[3.**] 24.** clostebol;

[4.**] 25.** dehydrochlormethyltestosterone;

26. DESOXYMETHYLTESTOSTERONE;

[5.**] 27.** dihydrotestosterone;

[6.**] 28.** drostanolone;

[7.**] 29.** ethylestroenol;

[8.**] 30.** fluoxymesterone;

[9.**] 31.** formobulone;

32. FURAZABOL;

[10.**] 33.** mesterolone;

[11.**] 34.** methandienone;

[12.**] 35.** methandranone;

[13.**] 36.** methandriol;

[14.**] 37.** methandrostenolone;

38. METHASTERONE;

[15.**] 39.** methenolone;

40. METHYLDIENOLONE;

[16.**] 41.** methyltestosterone;

42. METHYLTRIENOLONE;

[17.**] 43.** mibolerone;

[18.**] 44.** nandrolone;

45. NORCLOSTEBOL;

[19.**] 46.** norethandrolone;

47. NORMETHANDROLONE;

[20.**] 48.** oxandrolone;

[21.**] 49.** oxymesterone;

[22.**] 50.** oxymetholone;

51. PROSTANOZOL;

[23.**] 52.** stanolone;

[24.**] 53.** stanozolol;

54. STENBOLONE;

[25.**] 55.** testolactone;

[26.**] 56.** testosterone;

57. TETRAHYDROGESTRINONE;

[27.**] 58.** trenbolone; and

[28.**] 59.** any isomer, ester, salt, or derivative of a substance listed in this paragraph.

(2) The following substances are not included in Schedule III:

(i) an estrogen, progestin, or corticosteroid; or

(ii) a substance covered by paragraph (1) of this subsection if:

1. expressly intended for administration through implants to cattle or other nonhuman species; and

2. approved for that use by the Food and Drug Administration.

(c) (1) Unless listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:

(i) benzphetamine;

(ii) chlorphentermine;

(iii) clortermine;

(iv) mazindol; and

(v) phendimetrazine.

(2) Subject to paragraph (3) of this subsection, substances in Schedule III include:

(i) a salt of a substance listed in this subsection;

(ii) an optical, position, or geometric isomer of a substance listed in this subsection; or

(iii) a salt of an isomer of a substance listed in this subsection.

(3) Unless listed in another schedule, a salt, isomer, or salt of an isomer described in paragraph (2) of this subsection may be included in Schedule III only if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.

(d) Unless listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) except those substances that are specifically listed in other schedules, a substance that contains any quantity of a derivative of barbituric acid, or a salt of a derivative of a barbituric acid;

(2) APROBARBITAL;

(3) BUTABARBITAL (SECBUTABARBITAL);

(4) BUTALBITAL (FIORINAL);

(5) BUTOBARBITAL (BUTETHAL);

[(2)**] (6)** chlorhexadol;

[(3) glutethimide;**]**

(7) EMBUTRAMIDE;

(8) GAMMA HYDROXYBUTYRIC ACID PREPARATIONS;

[(4)**] (9)** lysergic acid;

[(5)**] (10)** lysergic acid amide;

[(6)**] (11)** methyprylon;

[(7)**] (12)** pentazocine;

(13) PERAMPANEL (FYCOMPA);

[(8)**] (14)** sulfondiethylmethane;

[(9)**] (15)** sulfonethylmethane; **[**and**]**

[(10)**] (16)** sulfonmethane**;**

(17) ~~**TALBUAL**~~ **TALBUTAL;**

(18) THIAMYLAL;

(19) THIOPENTAL; AND

(20) VINBARBITAL.

(e) (1) Substances listed in Schedule III include a material, compound, mixture, or preparation that contains limited quantities of any of these narcotic drugs or their salts:

(i) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(ii) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(iii) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(iv) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(v) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(vi) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(vii) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(viii) not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit; **[**and**]**

(ix) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts**; AND**

(X) BUPRENORPHINE.

(2) Substances listed in Schedule III include a compound, mixture, or preparation or salt of a compound, mixture, or preparation and another active medicinal ingredient that is not listed in another schedule and that contains:

(i) amobarbital;

(ii) secobarbital; or

(iii) pentobarbital.

(3) If not combined with one or more active medicinal ingredients that are listed in another schedule, substances listed in Schedule III include a suppository dosage form or salt of a suppository dosage that contains:

(i) amobarbital;

(ii) secobarbital; or

(iii) pentobarbital.

(f) Substances listed in Schedule III include:

(1) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration–approved product; **[**and**]**

(2) ketamine, its salts, isomers, and salts of isomers**;**

(3) FIORICET (CONTAINING BUTALBITAL, ACETOMINOPHEN, AND CAFFEINE).

(g) The Department may not add a substance to Schedule III under § 5–202 of this title unless the Department finds:

(1) a potential for abuse of the substance that is less than that for the substances listed in Schedule I and Schedule II;

(2) well documented and approved medical use of the substance in the United States; and

(3) evidence that abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

5–405.

(a) Schedule IV consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule IV by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule IV controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) ALFAXALONE;

(2) ALPRAZOLAM;

[(1)**] (3)** barbital;

[(2)**] (4)** bromazepam;

(5) BUTORPHANOL;

[(3)**] (6)** camazepam;

(7) CARISOPRODOL;

(8) CATHINE +/– (NORPSEUDOEPEDRINE);

[(4)**] (9)** chloral betaine;

[(5)**] (10)** chloral hydrate;

[(6) ethchlorvynol;**]**

[(7)**] (11)** chlordiazepoxide;

[(8)**] (12)** clobazam;

[(9)**] (13)** clonazepam;

[(10)**] (14)** clorazepate;

[(11)**] (15)** clotiazepam;

[(12)**] (16)** cloxazolam;

[(13)**] (17)** delorazepam;

(18) DEXFENFLURAMINE;

(19) DEXTROPROPOXYPHENE DOSAGE FORMS;

[(14)**] (20)** diazepam;

(21) DICHLORALPHENAZONE;

(22) ELUXADOLINE (VIBERZI);

[(15)**] (23)** estazolam;

(24) ETHCHLORVYNOL;

[(16)**] (25)** ethinamate;

[(17)**] (26)** ethylloflazepate;

(27) FENCAMFAMIN;

(28) FENPROPOREX;

[(18)**] (29)** fludiazepam;

[(19)**] (30)** flunitrazepam;

[(20)**] (31)** flurazepam;

[(21)**] (32)** halazepam;

[(22)**] (33)** haloxazolam;

[(23)**] (34)** ketazolam;

[(24)**] (35)** loprazolam;

[(25)**] (36)** lorazepam;

[(26)**] (37)** lormetazepam;

[(27)**] (38)** mebutamate;

[(28)**] (39)** medazepam;

(40) MEFENOREX;

[(29)**] (41)** methohexital;

[(30)**] (42)** meprobamate;

[(31)**] (43)** methylphenobarbital;

(44) MIDAZOLAM;

(45) MODAFINIL;

[(32)**] (46)** nimetazepam;

[(33)**] (47)** nitrozepam;

[(34)**] (48)** nordiazepam;

[(35)**] (49)** oxazepam;

[(36)**] (50)** oxazolam;

[(37)**] (51)** paraldehyde;

[(38)**] (52)** petrichloral;

[(39)**] (53)** phenobarbital;

[(40)**] (54)** pinazepam;

(55) ~~PIPRADNOL~~ PIPRADROL;

[(41)**] (56)** prazepam;

(57) QUAZEPAM;

(58) SIBUTRAMINE;

(59) SPA (LEFETAMINE);

(60) SUVOREXANT (BELSOMRA);

[(42)**] (61)** temazepam;

[(43)**] (62)** tetrazepam; **[**and**]**

(63) TRAMADOL;

[(44)**] (64)** triazolam**;**

(65) ~~ZALEPION~~ ZALEPLON (SONATA);

(66) ZOLPIDEM (AMBIEN); AND

(67) ZOPICLONE (LUNESTA).

(c) Substances listed in Schedule IV include:

(1) a material, compound, mixture, or preparation that contains fenfluramine; and

(2) if its existence is possible:

(i) a salt of fenfluramine;

(ii) an optical, position, or geometric isomer of fenfluramine; and

(iii) a salt of an isomer of fenfluramine.

(d) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) diethylpropion;

(2) pemoline, including organometallic complexes and their chelates; and

(3) phentermine.

(e) By regulation, the Department may exempt from this section a compound, mixture, or preparation that contains a depressant substance listed in subsection (b) of this section if:

(1) the compound, mixture, or preparation contains an active medicinal ingredient that does not have a depressant effect on the central nervous system; and

(2) the admixtures are included in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

(f) The Department may not add a substance to Schedule IV under § 5–202 of this title unless the Department finds that:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

5–406.

(a) Schedule V consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule V by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule V controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) A substance is listed in Schedule V if the substance includes a compound, mixture, or preparation that contains the following **[**quantities of**]** narcotic drugs or their salts:

(1) (i) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(ii) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(iii) not more than 50 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(iv) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit; **[**or**]**

[(v) unless specifically excepted under this subtitle, or unless listed in another schedule, any material, compound, mixture, or preparation containing buprenorphine or its salt; and**]**

(V) BRIVARACETAM;

(VI) DIFENOXIN PREPARATIONS 0.5MG/25UG ATSO4/DU (MOTOFEN);

(VII) EZOGABINE (POTIGA);

(VIII) LACOSAMIDE (VIMPAT);

(IX) PREGABALIN (LYRICA); OR

(X) PYROVALERONE; AND

(2) nonnarcotic active medicinal ingredients in sufficient proportion to confer on the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

(c) The Department may not add a substance to Schedule V under § 5–202 of this title unless the Department finds:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule IV;

(2) the substance has currently accepted medical use in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence liability relative to the substances listed in Schedule IV.

5–908.

(A) THE DEPARTMENT MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING $1,000 FOR EACH VIOLATION OF THIS TITLE.

(B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

(C) THE DEPARTMENT SHALL REMIT A PENALTY IMPOSED UNDER THIS SECTION TO THE GENERAL FUND OF THE STATE.

Article – Health – General

21–1113.

(a) (1) In this section the following terms have the meanings indicated.

(2) "Authorized prescriber" means a licensed dentist, licensed physician, licensed podiatrist, licensed veterinarian, certified nurse midwife to the extent permitted under § 8–601 of the Health Occupations Article, certified nurse practitioner to the extent permitted under § 8–508 of the Health Occupations Article, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

(3) "Board" means a health occupation licensing board authorized to issue a permit, license, or certificate under the Health Occupations Article.

(4) (i) "Controlled dangerous substance" means a drug, substance, or immediate precursor listed in Schedule I through Schedule V in Title 5 of the Criminal Law Article.

(ii) "Controlled dangerous substance" does not include tobacco or a distilled spirit, wine, or malt beverage.

(5) "Drug" means a prescription or nonprescription drug.

(6) "Nonprescription drug" means a drug which may be sold without a prescription and which is labeled for consumer use in accordance with the requirements of the laws and regulations of this State and the federal government.

(7) "Permit holder" means a holder of, or applicant for:

(i) A pharmacy permit**[**, manufacturer's permit,**]** or distributor's permit issued by the State Board of Pharmacy under Title 12 of the Health Occupations Article; **[**or**]**

(ii) A dispensing permit issued by a board under the authority of § 12–102(c)(2) of the Health Occupations Article**; OR**

(III) A CONTROLLED DANGEROUS SUBSTANCES REGISTRATION ISSUED BY THE OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION UNDER § 5–301(A)(1) OF THE CRIMINAL LAW ARTICLE.

(8) "Prescription drug" means a drug that under § 21–220 of this title may be dispensed only on the prescription of a health practitioner who is authorized by law to prescribe the drug.

(b) (1) The Department may issue an order of impoundment and immediately impound drugs**, BULK POWDERS AND CHEMICALS,** or prescription records of a permit holder or an authorized prescriber if:

(i) A permit holder's permit or authorized prescriber's license has expired or has been revoked or suspended;

(ii) An application for a permit or license has been denied;

(iii) A board has:

1. Determined that the permit holder or authorized prescriber failed to comply with a board order, letter of surrender, or law regarding the disposition of drugs**, BULK POWDERS AND CHEMICALS,** or prescription records; and

2. Requested that the Department impound the drugs**, BULK POWDERS AND CHEMICALS,** or prescription records;

(iv) The drugs **OR BULK POWDERS AND CHEMICALS** pose an imminent threat to the public health, safety, or welfare; or

(v) The confidentiality of the prescription records is in imminent danger of being compromised.

(2) The Department may not impound the drugs**, BULK POWDERS AND CHEMICALS,** or prescription records of a permit holder or authorized prescriber who is in compliance with a board order or law specifically providing for the manner of the disposition of drugs**, BULK POWDERS AND CHEMICALS,** or prescription records.

(c) (1) Except as otherwise provided in paragraph (2) of this subsection, the Department shall:

(i) Attempt to serve written notice of an impoundment on the permit holder or authorized prescriber;

(ii) Provide the permit holder or authorized prescriber with an opportunity to avoid impoundment by allowing the permit holder or authorized prescriber to dispose of the drugs**, BULK POWDERS AND CHEMICALS,** or prescription records in a manner acceptable to the Department;

(iii) Provide the permit holder or authorized prescriber with an opportunity prior to impoundment to review the nature, type, and amount of information upon which the Department issued the impoundment order; and

(iv) Provide the permit holder or authorized prescriber with an opportunity to avoid impoundment by providing the Department with information upon which the Department could reasonably conclude that the impoundment is not warranted.

(2) If drugs **OR BULK POWDERS AND CHEMICALS** pose an imminent threat to the public health, safety, or welfare, or if the confidentiality of prescription records is in imminent danger of being compromised, the Department may:

(i) Issue an impoundment order; and

(ii) Immediately impound drugs**, BULK POWDERS AND CHEMICALS,** or prescription records without prior notice to the permit holder or authorized prescriber.

(d) An order of impoundment constitutes a final order subject to judicial review under the State Administrative Procedure Act.

(e) The Department shall provide the permit holder or authorized prescriber with a list of all drugs**, BULK POWDERS AND CHEMICALS,** and prescription records impounded.

(f) The Department may charge reasonable fees to recover the costs of the collection, storage, and disposition of drugs**, BULK POWDERS AND CHEMICALS,** or prescription records.

(g) The Department shall adopt regulations governing the disposition of impounded drugs**, BULK POWDERS AND CHEMICALS,** and prescription records.

(h) Prior to issuing an order of impoundment, the Department, with the approval of the Board of Pharmacy, shall develop regulations concerning:

(1) The nature, type, and amount of information upon which the Department may rely to issue an order of impoundment;

(2) The level of investigation the Department must pursue to verify the information upon which the order of impoundment was based under subsection (b)(1)(iv) or (v) or (c)(2) of this section; and

(3) The measures the Department must pursue to attempt service on the permit holder or authorized prescriber prior to impoundment under subsection (c) of this section.

(i) Prior to destroying or transferring impounded drugs**, BULK POWDERS AND CHEMICALS,** or prescription records, the Department shall publish a notice **[**for 2 consecutive weeks**]** **ONCE A WEEK FOR 2 CONSECUTIVE WEEKS** in a **[**daily**]** newspaper that is circulated locally:

(1) Stating the date that the drugs**, BULK POWDERS AND CHEMICALS,** or prescription records will be destroyed or transferred; and

(2) Designating a date, time, and location where the drugs**, BULK POWDERS AND CHEMICALS,** or prescription records may be retrieved by the permit holder or authorized prescriber if certain conditions are met.

(j) A board shall immediately notify the Office of Controlled Substances Administration of the surrender, suspension, or revocation of a permit holder's permit or an authorized prescriber's license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved:

_____

Governor.

_____

President of the Senate.

_____

Speaker of the House of Delegates.