Article - Criminal Law

§5–101. IN EFFECT

(a) In this title the following words have the meanings indicated.

(b) "Administer" means to introduce a substance into the system of a human or animal by injection, inhalation, ingestion, application to the skin, or any combination of those methods or by any other means.

(c) (1) "Agent" means an employee or other authorized person who acts for or at the direction of a manufacturer, distributor, or authorized provider.

(2) "Agent" does not include:

(i) a common carrier, contract carrier, or public warehouseman; or

(ii) an employee of a common carrier, contract carrier, or public warehouseman.

(d) (1) "Authorized provider" means:

(i) a person licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research; or

(ii) a pharmacy, laboratory, hospital, or other institution licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research.

(2) "Authorized provider" includes:

(i) a scientific investigator;

(ii) an individual authorized by the State to practice medicine, dentistry, or veterinary medicine; and

(iii) an animal control facility licensed under § 2–305 of the Agriculture Article.

(e) (1) "Cannabimimetic agents" means substances that are cannabinoid receptor type 1 (CB1 receptor) agonists as demonstrated by binding studies and functional assays within one of the following structural classes:

(i) 2–(3–hydroxycyclohexyl)phenol with substitution at the 5–position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

(ii) 3–(1–naphthoyl)indole or 3–(1–naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl ring to any extent;

(iii) 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted on the naphthoyl ring to any extent;

(iv) 1–(1–naphthylmethylene)indene by substitution of the 3–position of the indene ring, whether or not further substituted in the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent; or

(v) 3–phenylacetylindole or 3–benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

(2) "Cannabimimetic agents" includes:

(i) 5–(1,1–dimethylheptyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (CP–47,497);

(ii) 5–(1,1–dimethyloctyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (cannabicyclohexanol or CP–47,497 C8–homolog);

(iii) 1–pentyl–3–(1–naphthoyl)indole (JWH–018 and AM678);

(iv) 1–butyl–3–(1–naphthoyl)indole (JWH–073);

(v) 1–hexyl–3–(1–naphthoyl)indole (JWH–019);

(vi) 1–[2–(4–morpholinyl)ethyl]–3–(1–naphthoyl)indole (JWH–200);

(vii) 1–pentyl–3–(2–methoxyphenylacetyl)indole (JWH–250);

(viii) 1–pentyl–3–[1–(4–methoxynaphthoyl)]indole (JWH–081);

(ix) 1–pentyl–3–(4–methyl–1–naphthoyl)indole (JWH–122);

(x) 1–pentyl–3–(4–chloro–1–naphthoyl)indole (JWH–398);

(xi) 1–(5–fluoropentyl)–3–(1–naphthoyl)indole (AM2201);

(xii) 1–(5–fluoropentyl)–3–(2–iodobenzoyl)indole (AM694);

(xiii) 1–pentyl–3–[(4–methoxy)–benzoyl]indole (SR–19 and RCS–4);

(xiv) 1–cyclohexylethyl–3–(2–methoxyphenylacetyl)indole (SR–18 and RCS–8); and

(xv) 1–pentyl–3–(2–chlorophenylacetyl)indole (JWH–203).

(f) (1) "Coca leaf" includes a leaf containing cocaine, the optical and geometric isomers of cocaine, and any compound, manufactured substance, salt, derivative, mixture, or preparation of a coca leaf.

(2) "Coca leaf" does not include a derivative of a coca leaf that does not contain cocaine, ecgonine, or a substance from which cocaine or ecgonine may be synthesized or made.

(g) (1) "Controlled dangerous substance" means:

(i) a drug or substance listed in Schedule I through Schedule V; or

(ii) an immediate precursor to a drug or substance listed in Schedule I through Schedule V that:

1. by regulation the Department designates as being the principal compound commonly used or produced primarily for use to manufacture a drug or substance listed in Schedule I through Schedule V;

2. is an immediate chemical intermediary used or likely to be used to manufacture a drug or substance listed in Schedule I through Schedule V; and

3. must be controlled to prevent or limit the manufacture of a drug or substance listed in Schedule I through Schedule V.

(2) "Controlled dangerous substance" does not include distilled spirits, wine, malt beverages, or tobacco.

(h) "Controlled paraphernalia" means:

(1) a hypodermic syringe, needle, or any other object or combination of objects adapted to administer a controlled dangerous substance by hypodermic injection;

(2) a gelatin capsule, glassine envelope, or other container suitable for packaging individual quantities of a controlled dangerous substance; or

(3) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine hydrochloride, or any other substance suitable as a diluent or adulterant.

(i) "Deliver" means to make an actual, constructive, or attempted transfer or exchange from one person to another whether or not remuneration is paid or an agency relationship exists.

(j) "Department" means the Maryland Department of Health.

(k) "Depressant or stimulant drug" means a drug that contains any quantity of a substance that the Attorney General of the United States by regulation designates as having a potential for abuse because of:

(1) a depressant or stimulant effect on the central nervous system; or

(2) a hallucinogenic effect.

(l) (1) "Dispense" means to deliver to the ultimate user or the human research subject by or in accordance with the lawful order of an authorized provider.

(2) "Dispense" includes to prescribe, administer, package, label, or compound a substance for delivery.

(m) "Distribute" means, with respect to a controlled dangerous substance, to deliver other than by dispensing.

(n) (1) "Drug" means:

(i) a substance recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary;

(ii) a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(iii) except for food, a substance intended to affect the structure or function of the body of humans or other animals; or

(iv) a substance intended for use as a component of any substance specified in item (i), (ii), or (iii) of this paragraph.

(2) "Drug" does not include a device or an accessory, part, or component of a device.

(o) "Drug dependent person" means a person who:

(1) is using a controlled dangerous substance; and

(2) is in a state of psychological or physical dependence, or both, that:

(i) arises from administration of that controlled dangerous substance on a continuous basis; and

(ii) is characterized by behavioral and other responses that include a strong compulsion to take the substance on a continuous basis in order to experience its psychological effects or to avoid the discomfort of its absence.

(p) (1) "Drug paraphernalia" means equipment, a product, or material that is used, intended for use, or designed for use, in:

(i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in violation of this title; or

(ii) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of this title.

(2) "Drug paraphernalia" includes:

(i) a kit used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled dangerous substance or from which a controlled dangerous substance can be derived;

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance;

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, cannabis;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body such as:

1. a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without screen, permanent screen, hashish head, or punctured metal bowl;

2. a water pipe;

3. a carburetion tube or device;

4. a smoking or carburetion mask;

5. an object known as a roach clip used to hold burning material, such as a cannabis cigarette that has become too small or too short to be held in the hand;

6. a miniature spoon used for cocaine and cocaine vials;

7. a chamber pipe;

8. a carburetor pipe;

9. an electric pipe;

10. an air–driven pipe;

11. a chillum;

12. a bong; and

13. an ice pipe or chiller.

(p–1) "Electronic prescription" means a prescription that:

(1) is generated on an electronic application and transmitted as an electronic data file; and

(2) if the prescription is for a controlled dangerous substance, complies with the requirements of 21 C.F.R. Part 1306.

(q) (1) "Manufacture", with respect to a controlled dangerous substance, means to produce, prepare, propagate, compound, convert, or process a controlled dangerous substance:

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

(ii) independently by chemical synthesis; or

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

(2) "Manufacture" includes to package and repackage a controlled dangerous substance and label and relabel its containers.

(3) "Manufacture" does not include:

(i) to prepare or compound a controlled dangerous substance by an individual for the individual's own use; or

(ii) to prepare, compound, package, or label a controlled dangerous substance:

1. by an authorized provider incidental to administering or dispensing a controlled dangerous substance in the course of professional practice; or

2. if the controlled dangerous substance is not for sale by an authorized provider, or by the authorized provider's agent under the authorized provider's supervision, for or incidental to research, teaching, or chemical analysis.

(r) (1) "Cannabis" means:

(i) all parts of any plant of the genus Cannabis, whether or not the plant is growing;

(ii) the seeds of the plant;

(iii) the resin extracted from the plant; and

(iv) each compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

(2) "Cannabis" does not include:

(i) the mature stalks of the plant;

(ii) fiber produced from the mature stalks;

(iii) oil or cake made from the seeds of the plant;

(iv) except for resin, any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;

(v) the sterilized seed of the plant that is incapable of germination; or

(vi) hemp as defined in § 14–101 of the Agriculture Article.

(s) (1) "Narcotic drug" means a substance:

(i) that has been found to present an extreme danger to the health and welfare of the community because of addiction–forming and addiction–sustaining qualities;

(ii) that is:

1. an opiate;

2. a compound, manufactured substance, salt, derivative, or preparation of opium, coca leaf, or an opiate; or

3. a substance and any compound, manufactured substance, salt, derivative, or preparation that is chemically identical with a substance listed in items 1 and 2 of this item; and

(iii) that is produced:

1. directly or indirectly by extraction from substances of vegetable origin;

2. independently by chemical synthesis; or

3. by a combination of extraction and chemical synthesis.

(2) "Narcotic drug" includes decocainized coca leaf or an extract of coca leaf that does not contain cocaine or ecgonine.

(t) "Noncontrolled substance" means a substance that is not classified as a controlled dangerous substance under Subtitle 4 of this title.

(u) (1) "Opiate" means a substance that has an addiction–forming or addiction–sustaining quality similar to morphine or that can be converted into a drug that has this addiction–forming or addiction–sustaining quality.

(2) "Opiate" includes:

(i) the racemic and levorotatory forms of an opiate;

(ii) except for seeds, the opium poppy, the plant of the species Papaver somniferum L.;

(iii) the poppy straw consisting of the opium poppy after mowing except the seeds; and

(iv) coca leaf.

(3) "Opiate" does not include, unless specifically designated as controlled under § 5–202 of this title, the dextrorotatory isomer of 3–methoxy–n–methyl–morphinan and its salts (dextromethorphan).

(v) "Possess" means to exercise actual or constructive dominion or control over a thing by one or more persons.

(w) (1) "Prescription drug" means a drug that:

(i) is intended to be used by an individual; and

(ii) because of its toxicity, other potentiality for harmful effect, method of use, or collateral measures necessary for its use:

1. bears a cautionary label warning a person that under federal law the drug may not be dispensed without a prescription; or

2. is designated by the Department as not safe for use except under the supervision of a person licensed by the State to administer a prescription drug.

(2) "Prescription drug" does not include a controlled dangerous substance.

(x) "Produce", with respect to a controlled dangerous substance, includes to manufacture, plant, cultivate, grow, and harvest.

(y) "Registrant" means a person who is registered by the Department to manufacture, distribute, or dispense a controlled dangerous substance in the State.

(z) "Schedule I" means the controlled dangerous substances described in § 5–402 of this title.

(aa) "Schedule II" means the controlled dangerous substances described in § 5–403 of this title.

(bb) "Schedule III" means the controlled dangerous substances described in § 5–404 of this title.

(cc) "Schedule IV" means the controlled dangerous substances described in § 5–405 of this title.

(dd) "Schedule V" means the controlled dangerous substances described in § 5–406 of this title.

(ee) "Secretary" means the Secretary of the Department.

(ff) "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use, for the use of a member of the person's household, or for administration to an animal owned by the person or by a member of the person's household.

§5–101. ** CONTINGENCY – NOT IN EFFECT – CHAPTER 26 OF 2022 **

** TAKES EFFECT JANUARY 1, 2023 PER CHAPTER 26 OF 2022 **

(a) In this title the following words have the meanings indicated.

(b) "Administer" means to introduce a substance into the system of a human or animal by injection, inhalation, ingestion, application to the skin, or any combination of those methods or by any other means.

(c) (1) "Agent" means an employee or other authorized person who acts for or at the direction of a manufacturer, distributor, or authorized provider.

(2) "Agent" does not include:

(i) a common carrier, contract carrier, or public warehouseman; or

(ii) an employee of a common carrier, contract carrier, or public warehouseman.

(d) (1) "Authorized provider" means:

(i) a person licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research; or

(ii) a pharmacy, laboratory, hospital, or other institution licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research.

(2) "Authorized provider" includes:

(i) a scientific investigator;

(ii) an individual authorized by the State to practice medicine, dentistry, or veterinary medicine; and

(iii) an animal control facility licensed under § 2–305 of the Agriculture Article.

(e) (1) "Cannabimimetic agents" means substances that are cannabinoid receptor type 1 (CB1 receptor) agonists as demonstrated by binding studies and functional assays within one of the following structural classes:

(i) 2–(3–hydroxycyclohexyl)phenol with substitution at the 5–position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

(ii) 3–(1–naphthoyl)indole or 3–(1–naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl ring to any extent;

(iii) 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted on the naphthoyl ring to any extent;

(iv) 1–(1–naphthylmethylene)indene by substitution of the 3–position of the indene ring, whether or not further substituted in the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent; or

(v) 3–phenylacetylindole or 3–benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

(2) "Cannabimimetic agents" includes:

(i) 5–(1,1–dimethylheptyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (CP–47,497);

(ii) 5–(1,1–dimethyloctyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (cannabicyclohexanol or CP–47,497 C8–homolog);

(iii) 1–pentyl–3–(1–naphthoyl)indole (JWH–018 and AM678);

(iv) 1–butyl–3–(1–naphthoyl)indole (JWH–073);

(v) 1–hexyl–3–(1–naphthoyl)indole (JWH–019);

(vi) 1–[2–(4–morpholinyl)ethyl]–3–(1–naphthoyl)indole (JWH–200);

(vii) 1–pentyl–3–(2–methoxyphenylacetyl)indole (JWH–250);

(viii) 1–pentyl–3–[1–(4–methoxynaphthoyl)]indole (JWH–081);

(ix) 1–pentyl–3–(4–methyl–1–naphthoyl)indole (JWH–122);

(x) 1–pentyl–3–(4–chloro–1–naphthoyl)indole (JWH–398);

(xi) 1–(5–fluoropentyl)–3–(1–naphthoyl)indole (AM2201);

(xii) 1–(5–fluoropentyl)–3–(2–iodobenzoyl)indole (AM694);

(xiii) 1–pentyl–3–[(4–methoxy)–benzoyl]indole (SR–19 and RCS–4);

(xiv) 1–cyclohexylethyl–3–(2–methoxyphenylacetyl)indole (SR–18 and RCS–8); and

(xv) 1–pentyl–3–(2–chlorophenylacetyl)indole (JWH–203).

(e–1) (1) "Cannabis" means the plant Cannabis sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and

salts of isomers, whether growing or not, with a delta–9–tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(2) "Cannabis" does not include hemp as defined in § 14–101 of the Agriculture Article.

(e–2) "Civil use amount" means:

(1) an amount of usable cannabis that exceeds 1.5 ounces but does not exceed 2.5 ounces;

(2) an amount of concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; or

(3) an amount of cannabis products containing delta–9–tetrahydrocannabinol that exceeds 750 milligrams but does not exceed 1,250 milligrams.

(f) (1) "Coca leaf" includes a leaf containing cocaine, the optical and geometric isomers of cocaine, and any compound, manufactured substance, salt, derivative, mixture, or preparation of a coca leaf.

(2) "Coca leaf" does not include a derivative of a coca leaf that does not contain cocaine, ecgonine, or a substance from which cocaine or ecgonine may be synthesized or made.

(g) (1) "Controlled dangerous substance" means:

(i) a drug or substance listed in Schedule I through Schedule V; or

(ii) an immediate precursor to a drug or substance listed in Schedule I through Schedule V that:

1. by regulation the Department designates as being the principal compound commonly used or produced primarily for use to manufacture a drug or substance listed in Schedule I through Schedule V;

2. is an immediate chemical intermediary used or likely to be used to manufacture a drug or substance listed in Schedule I through Schedule V; and

3. must be controlled to prevent or limit the manufacture of a drug or substance listed in Schedule I through Schedule V.

(2) "Controlled dangerous substance" does not include distilled spirits, wine, malt beverages, or tobacco.

(h) "Controlled paraphernalia" means:

(1) a hypodermic syringe, needle, or any other object or combination of objects adapted to administer a controlled dangerous substance by hypodermic injection;

(2) a gelatin capsule, glassine envelope, or other container suitable for packaging individual quantities of a controlled dangerous substance; or

(3) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine hydrochloride, or any other substance suitable as a diluent or adulterant.

(i) "Deliver" means to make an actual, constructive, or attempted transfer or exchange from one person to another whether or not remuneration is paid or an agency relationship exists.

(j) "Department" means the Maryland Department of Health.

(k) "Depressant or stimulant drug" means a drug that contains any quantity of a substance that the Attorney General of the United States by regulation designates as having a potential for abuse because of:

(1) a depressant or stimulant effect on the central nervous system; or

(2) a hallucinogenic effect.

(l) (1) "Dispense" means to deliver to the ultimate user or the human research subject by or in accordance with the lawful order of an authorized provider.

(2) "Dispense" includes to prescribe, administer, package, label, or compound a substance for delivery.

(m) "Distribute" means, with respect to a controlled dangerous substance, to deliver other than by dispensing.

(n) (1) "Drug" means:

(i) a substance recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary;

(ii) a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(iii) except for food, a substance intended to affect the structure or function of the body of humans or other animals; or

(iv) a substance intended for use as a component of any substance specified in item (i), (ii), or (iii) of this paragraph.

(2) "Drug" does not include a device or an accessory, part, or component of a device.

(o) "Drug dependent person" means a person who:

(1) is using a controlled dangerous substance; and

(2) is in a state of psychological or physical dependence, or both, that:

(i) arises from administration of that controlled dangerous substance on a continuous basis; and

(ii) is characterized by behavioral and other responses that include a strong compulsion to take the substance on a continuous basis in order to experience its psychological effects or to avoid the discomfort of its absence.

(p) (1) "Drug paraphernalia" means equipment, a product, or material that is used, intended for use, or designed for use, in:

(i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in violation of this title; or

(ii) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of this title.

(2) "Drug paraphernalia" includes:

(i) a kit used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled dangerous substance other than cannabis or from which a controlled dangerous substance can be derived;

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance other than cannabis;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance other than cannabis;

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance other than cannabis;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance other than cannabis;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance other than cannabis;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, a controlled dangerous substance other than cannabis;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance other than cannabis;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance other than cannabis;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance other than cannabis;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body.

(p–1) "Electronic prescription" means a prescription that:

(1) is generated on an electronic application and transmitted as an electronic data file; and

(2) if the prescription is for a controlled dangerous substance, complies with the requirements of 21 C.F.R. Part 1306.

(q) (1) "Manufacture", with respect to a controlled dangerous substance, means to produce, prepare, propagate, compound, convert, or process a controlled dangerous substance:

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

(ii) independently by chemical synthesis; or

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

(2) "Manufacture" includes to package and repackage a controlled dangerous substance and label and relabel its containers.

(3) "Manufacture" does not include:

(i) to prepare or compound a controlled dangerous substance by an individual for the individual's own use; or

(ii) to prepare, compound, package, or label a controlled dangerous substance:

1. by an authorized provider incidental to administering or dispensing a controlled dangerous substance in the course of professional practice; or

2. if the controlled dangerous substance is not for sale by an authorized provider, or by the authorized provider's agent under the authorized provider's supervision, for or incidental to research, teaching, or chemical analysis.

(r) (1) "Narcotic drug" means a substance:

(i) that has been found to present an extreme danger to the health and welfare of the community because of addiction–forming and addiction–sustaining qualities;

(ii) that is:

1. an opiate;

2. a compound, manufactured substance, salt, derivative, or preparation of opium, coca leaf, or an opiate; or

3. a substance and any compound, manufactured substance, salt, derivative, or preparation that is chemically identical with a substance listed in items 1 and 2 of this item; and

(iii) that is produced:

1. directly or indirectly by extraction from substances of vegetable origin;

2. independently by chemical synthesis; or

3. by a combination of extraction and chemical synthesis.

(2) "Narcotic drug" includes decocainized coca leaf or an extract of coca leaf that does not contain cocaine or ecgonine.

(s) "Noncontrolled substance" means a substance that is not classified as a controlled dangerous substance under Subtitle 4 of this title.

(t) (1) "Opiate" means a substance that has an addiction–forming or addiction–sustaining quality similar to morphine or that can be converted into a drug that has this addiction–forming or addiction–sustaining quality.

(2) "Opiate" includes:

(i) the racemic and levorotatory forms of an opiate;

(ii) except for seeds, the opium poppy, the plant of the species Papaver somniferum L.;

(iii) the poppy straw consisting of the opium poppy after mowing except the seeds; and

(iv) coca leaf.

(3) "Opiate" does not include, unless specifically designated as controlled under § 5–202 of this title, the dextrorotatory isomer of 3–methoxy–n–methyl–morphinan and its salts (dextromethorphan).

(u) "Personal use amount" means:

(1) an amount of usable cannabis that does not exceed 1.5 ounces;

(2) an amount of concentrated cannabis that does not exceed 12 grams; or

(3) an amount of cannabis products containing delta–9–tetrahydrocannabinol that does not exceed 750 milligrams.

(v) "Possess" means to exercise actual or constructive dominion or control over a thing by one or more persons.

(w) (1) "Prescription drug" means a drug that:

(i) is intended to be used by an individual; and

(ii) because of its toxicity, other potentiality for harmful effect, method of use, or collateral measures necessary for its use:

1. bears a cautionary label warning a person that under federal law the drug may not be dispensed without a prescription; or

2. is designated by the Department as not safe for use except under the supervision of a person licensed by the State to administer a prescription drug.

(2) "Prescription drug" does not include a controlled dangerous substance.

(x) "Produce", with respect to a controlled dangerous substance, includes to manufacture, plant, cultivate, grow, and harvest.

(y) "Registrant" means a person who is registered by the Department to manufacture, distribute, or dispense a controlled dangerous substance in the State.

(z) "Schedule I" means the controlled dangerous substances described in § 5–402 of this title.

(aa) "Schedule II" means the controlled dangerous substances described in § 5–403 of this title.

(bb) "Schedule III" means the controlled dangerous substances described in § 5–404 of this title.

(cc) "Schedule IV" means the controlled dangerous substances described in § 5–405 of this title.

(dd) "Schedule V" means the controlled dangerous substances described in § 5–406 of this title.

(ee) "Secretary" means the Secretary of the Department.

(ff) "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use, for the use of a member of the person's household, or for administration to an animal owned by the person or by a member of the person's household.

§5–101. ** CONTINGENCY – NOT IN EFFECT – CHAPTER 26 OF 2022 **

** TAKES EFFECT JULY 1, 2023 PER CHAPTER 26 OF 2022 **

(a) In this title the following words have the meanings indicated.

(b) "Administer" means to introduce a substance into the system of a human or animal by injection, inhalation, ingestion, application to the skin, or any combination of those methods or by any other means.

(c) (1) "Agent" means an employee or other authorized person who acts for or at the direction of a manufacturer, distributor, or authorized provider.

(2) "Agent" does not include:

(i) a common carrier, contract carrier, or public warehouseman; or

(ii) an employee of a common carrier, contract carrier, or public warehouseman.

(d) (1) "Authorized provider" means:

(i) a person licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research; or

(ii) a pharmacy, laboratory, hospital, or other institution licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research.

(2) "Authorized provider" includes:

(i) a scientific investigator;

(ii) an individual authorized by the State to practice medicine, dentistry, or veterinary medicine; and

(iii) an animal control facility licensed under § 2–305 of the Agriculture Article.

(e) (1) "Cannabimimetic agents" means substances that are cannabinoid receptor type 1 (CB1 receptor) agonists as demonstrated by binding studies and functional assays within one of the following structural classes:

(i) 2–(3–hydroxycyclohexyl)phenol with substitution at the 5–position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

(ii) 3–(1–naphthoyl)indole or 3–(1–naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthoyl or naphthyl ring to any extent;

(iii) 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted on the naphthoyl ring to any extent;

(iv) 1–(1–naphthylmethylene)indene by substitution of the 3–position of the indene ring, whether or not further substituted in the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent; or

(v) 3–phenylacetylindole or 3–benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

(2) "Cannabimimetic agents" includes:

(i) 5–(1,1–dimethylheptyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (CP–47,497);

(ii) 5–(1,1–dimethyloctyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (cannabicyclohexanol or CP–47,497 C8–homolog);

(iii) 1–pentyl–3–(1–naphthoyl)indole (JWH–018 and AM678);

(iv) 1–butyl–3–(1–naphthoyl)indole (JWH–073);

(v) 1–hexyl–3–(1–naphthoyl)indole (JWH–019);

(vi) 1–[2–(4–morpholinyl)ethyl]–3–(1–naphthoyl)indole (JWH–200);

(vii) 1–pentyl–3–(2–methoxyphenylacetyl)indole (JWH–250);

(viii) 1–pentyl–3–[1–(4–methoxynaphthoyl)]indole (JWH–081);

(ix) 1–pentyl–3–(4–methyl–1–naphthoyl)indole (JWH–122);

(x) 1–pentyl–3–(4–chloro–1–naphthoyl)indole (JWH–398);

(xi) 1–(5–fluoropentyl)–3–(1–naphthoyl)indole (AM2201);

(xii) 1–(5–fluoropentyl)–3–(2–iodobenzoyl)indole (AM694);

(xiii) 1–pentyl–3–[(4–methoxy)–benzoyl]indole (SR–19 and RCS–4);

(xiv) 1–cyclohexylethyl–3–(2–methoxyphenylacetyl)indole (SR–18 and RCS–8); and

(xv) 1–pentyl–3–(2–chlorophenylacetyl)indole (JWH–203).

(e–1) (1) "Cannabis" means the plant Cannabis sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta–9–tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

(2) "Cannabis" does not include hemp as defined in § 14–101 of the Agriculture Article.

(e–2) "Civil use amount" means:

(1) an amount of usable cannabis that exceeds 1.5 ounces but does not exceed 2.5 ounces;

(2) an amount of concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; or

(3) an amount of cannabis products containing delta–9–tetrahydrocannabinol that exceeds 750 milligrams but does not exceed 1,250 milligrams.

(f) (1) "Coca leaf" includes a leaf containing cocaine, the optical and geometric isomers of cocaine, and any compound, manufactured substance, salt, derivative, mixture, or preparation of a coca leaf.

(2) "Coca leaf" does not include a derivative of a coca leaf that does not contain cocaine, ecgonine, or a substance from which cocaine or ecgonine may be synthesized or made.

(g) (1) "Controlled dangerous substance" means:

(i) a drug or substance listed in Schedule I through Schedule V; or

(ii) an immediate precursor to a drug or substance listed in Schedule I through Schedule V that:

1. by regulation the Department designates as being the principal compound commonly used or produced primarily for use to manufacture a drug or substance listed in Schedule I through Schedule V;

2. is an immediate chemical intermediary used or likely to be used to manufacture a drug or substance listed in Schedule I through Schedule V; and

3. must be controlled to prevent or limit the manufacture of a drug or substance listed in Schedule I through Schedule V.

(2) "Controlled dangerous substance" does not include distilled spirits, wine, malt beverages, or tobacco.

(h) "Controlled paraphernalia" means:

(1) a hypodermic syringe, needle, or any other object or combination of objects adapted to administer a controlled dangerous substance by hypodermic injection;

(2) a gelatin capsule, glassine envelope, or other container suitable for packaging individual quantities of a controlled dangerous substance; or

(3) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine hydrochloride, or any other substance suitable as a diluent or adulterant.

(i) "Deliver" means to make an actual, constructive, or attempted transfer or exchange from one person to another whether or not remuneration is paid or an agency relationship exists.

(j) "Department" means the Maryland Department of Health.

(k) "Depressant or stimulant drug" means a drug that contains any quantity of a substance that the Attorney General of the United States by regulation designates as having a potential for abuse because of:

(1) a depressant or stimulant effect on the central nervous system; or

(2) a hallucinogenic effect.

(l) (1) "Dispense" means to deliver to the ultimate user or the human research subject by or in accordance with the lawful order of an authorized provider.

(2) "Dispense" includes to prescribe, administer, package, label, or compound a substance for delivery.

(m) "Distribute" means, with respect to a controlled dangerous substance, to deliver other than by dispensing.

(n) (1) "Drug" means:

(i) a substance recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary;

(ii) a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(iii) except for food, a substance intended to affect the structure or function of the body of humans or other animals; or

(iv) a substance intended for use as a component of any substance specified in item (i), (ii), or (iii) of this paragraph.

(2) "Drug" does not include a device or an accessory, part, or component of a device.

(o) "Drug dependent person" means a person who:

(1) is using a controlled dangerous substance; and

(2) is in a state of psychological or physical dependence, or both, that:

(i) arises from administration of that controlled dangerous substance on a continuous basis; and

(ii) is characterized by behavioral and other responses that include a strong compulsion to take the substance on a continuous basis in order to experience its psychological effects or to avoid the discomfort of its absence.

(p) (1) "Drug paraphernalia" means equipment, a product, or material that is used, intended for use, or designed for use, in:

(i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, or concealing a controlled dangerous substance in violation of this title; or

(ii) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of this title.

(2) "Drug paraphernalia" includes:

(i) a kit used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled dangerous substance other than cannabis or from which a controlled dangerous substance can be derived;

(ii) a kit used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled dangerous substance other than cannabis;

(iii) an isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled dangerous substance other than cannabis;

(iv) testing equipment used, intended for use, or designed for use in analyzing the strength, effectiveness, or purity of a controlled dangerous substance other than cannabis;

(v) a scale or balance used, intended for use, or designed for use in weighing or measuring a controlled dangerous substance other than cannabis;

(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting a controlled dangerous substance other than cannabis;

(vii) a separation gin or sifter used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, a controlled dangerous substance other than cannabis;

(viii) a blender, bowl, container, spoon, or mixing device used, intended for use, or designed for use in compounding a controlled dangerous substance other than cannabis;

(ix) a capsule, balloon, envelope, or other container used, intended for use, or designed for use in packaging small quantities of a controlled dangerous substance other than cannabis;

(x) a container or other object used, intended for use, or designed for use in storing or concealing a controlled dangerous substance other than cannabis;

(xi) a hypodermic syringe, needle, or other object used, intended for use, or designed for use in parenterally injecting a controlled dangerous substance into the human body; and

(xii) an object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body.

(p–1) "Electronic prescription" means a prescription that:

(1) is generated on an electronic application and transmitted as an electronic data file; and

(2) if the prescription is for a controlled dangerous substance, complies with the requirements of 21 C.F.R. Part 1306.

(q) (1) "Manufacture", with respect to a controlled dangerous substance, means to produce, prepare, propagate, compound, convert, or process a controlled dangerous substance:

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

(ii) independently by chemical synthesis; or

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

(2) "Manufacture" includes to package and repackage a controlled dangerous substance and label and relabel its containers.

(3) "Manufacture" does not include:

(i) to prepare or compound a controlled dangerous substance by an individual for the individual's own use; or

(ii) to prepare, compound, package, or label a controlled dangerous substance:

1. by an authorized provider incidental to administering or dispensing a controlled dangerous substance in the course of professional practice; or

2. if the controlled dangerous substance is not for sale by an authorized provider, or by the authorized provider's agent under the authorized provider's supervision, for or incidental to research, teaching, or chemical analysis.

(r) (1) "Narcotic drug" means a substance:

(i) that has been found to present an extreme danger to the health and welfare of the community because of addiction–forming and addiction–sustaining qualities;

(ii) that is:

1. an opiate;

2. a compound, manufactured substance, salt, derivative, or preparation of opium, coca leaf, or an opiate; or

3. a substance and any compound, manufactured substance, salt, derivative, or preparation that is chemically identical with a substance listed in items 1 and 2 of this item; and

(iii) that is produced:

1. directly or indirectly by extraction from substances of vegetable origin;

2. independently by chemical synthesis; or

3. by a combination of extraction and chemical synthesis.

(2) "Narcotic drug" includes decocainized coca leaf or an extract of coca leaf that does not contain cocaine or ecgonine.

(s) "Noncontrolled substance" means a substance that is not classified as a controlled dangerous substance under Subtitle 4 of this title.

(t) (1) "Opiate" means a substance that has an addiction–forming or addiction–sustaining quality similar to morphine or that can be converted into a drug that has this addiction–forming or addiction–sustaining quality.

(2) "Opiate" includes:

(i) the racemic and levorotatory forms of an opiate;

(ii) except for seeds, the opium poppy, the plant of the species Papaver somniferum L.;

(iii) the poppy straw consisting of the opium poppy after mowing except the seeds; and

(iv) coca leaf.

(3) "Opiate" does not include, unless specifically designated as controlled under § 5–202 of this title, the dextrorotatory isomer of 3–methoxy–n–methyl–morphinan and its salts (dextromethorphan).

(u) "Personal use amount" means:

(1) an amount of usable cannabis that does not exceed 1.5 ounces;

(2) an amount of concentrated cannabis that does not exceed 12 grams;

(3) an amount of cannabis products containing delta–9–tetrahydrocannabinol that does not exceed 750 milligrams; or

(4) two or fewer cannabis plants.

(v) "Possess" means to exercise actual or constructive dominion or control over a thing by one or more persons.

(w) (1) "Prescription drug" means a drug that:

(i) is intended to be used by an individual; and

(ii) because of its toxicity, other potentiality for harmful effect, method of use, or collateral measures necessary for its use:

1. bears a cautionary label warning a person that under federal law the drug may not be dispensed without a prescription; or

2. is designated by the Department as not safe for use except under the supervision of a person licensed by the State to administer a prescription drug.

(2) "Prescription drug" does not include a controlled dangerous substance.

(x) "Produce", with respect to a controlled dangerous substance, includes to manufacture, plant, cultivate, grow, and harvest.

(y) "Registrant" means a person who is registered by the Department to manufacture, distribute, or dispense a controlled dangerous substance in the State.

(z) "Schedule I" means the controlled dangerous substances described in § 5–402 of this title.

(aa) "Schedule II" means the controlled dangerous substances described in § 5–403 of this title.

(bb) "Schedule III" means the controlled dangerous substances described in § 5–404 of this title.

(cc) "Schedule IV" means the controlled dangerous substances described in § 5–405 of this title.

(dd) "Schedule V" means the controlled dangerous substances described in § 5–406 of this title.

(ee) "Secretary" means the Secretary of the Department.

(ff) "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use, for the use of a member of the person's household, or for administration to an animal owned by the person or by a member of the person's household.