

professional practice or research in this State, or any medical officer of any vessel or the master of any vessel whenever any such medical officer or another physician is unavailable.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance.

(v) "Immediate precursor" means a substance which the Department has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

(w) "State" means the State of Maryland.

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

278. Authority to Control.

(a) The Department shall control all substances enumerated in Section 279 of this subheading and may, by motion or on the petition of any interested party pursuant to the procedures of the Administrative Procedure Act, AND AFTER NOTICE AND HEARING, add ~~or reschedule~~ a substance as a controlled dangerous substance. In making such a determination, the Department shall consider the following:

- (1) its actual or relative potential for abuse;
- (2) scientific evidence of its pharmacological effect, if known;
- (3) state of current scientific knowledge regarding the substance;
- (4) its history and current pattern of abuse;
- (5) the scope, duration, and significance of abuse;
- (6) what, if any, risk there is to the public health;
- (7) its psychic or physiological dependence liability; and
- (8) whether the substance is an immediate precursor of a substance already controlled under this subheading.

After considering the above factors, the Department shall make findings with respect thereto and shall issue an order controlling the substance if it finds that the substance has a potential for abuse.

(b) If the Department designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(c) Any new substance which is designated as controlled under Federal law shall be similarly controlled under this subheading unless, within sixty (60) days of publication in the Federal Register of a final order designating a substance as a controlled dangerous substance ~~or rescheduling a substance~~, the Department objects to such inclusion or rescheduling. In such case the Department shall