

(1) a substance classified in Schedules I or II which is a narcotic drug shall, upon conviction, be deemed guilty of a felony and sentenced to a term of imprisonment for not more than twenty (20) years, and a fine of not more than twenty-five thousand dollars (\$25,000) or both. Nothing in this subsection shall prevent, prohibit or make eligible any convicted defendant from participating in the rehabilitation program under Article 43B, Sections 12 and 13, as amended from time to time, because of the length of sentence.

(2) Any other controlled dangerous substance classified in Schedule I, II, III, **[or]** IV, or V shall, upon conviction, be deemed guilty of a felony and sentenced to a term of imprisonment for not more than five (5) years or a fine of not more than fifteen thousand dollars (\$15,000), or both.

~~(3) Any person who violates any of the provisions of subsection (a) (5) shall, upon conviction, be deemed guilty of a misdemeanor and be sentenced to a term of imprisonment for not more than one year, a fine of not more than one thousand dollars (\$1,000), or both.~~

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(d) To possess or distribute controlled paraphernalia which shall mean (i) a hypodermic syringe, needle or other instrument or implement or combination thereof adapted for the administration of controlled dangerous substances by hypodermic injections under circumstances which reasonably indicate an intention to use such controlled paraphernalia for purposes of illegally administering any controlled dangerous substance.

(ii) gelatin capsules, glassine envelopes or any other container suitable for the packaging of individual quantities of controlled dangerous substances in sufficient quantity to and under circumstances which reasonably indicate an intention to use any such item for the illegal manufacture, distribution, or dispensing of any such controlled dangerous substance. Evidence of such circumstances shall include but not limited to close proximity of any such controlled paraphernalia to any adulterants or equipment commonly used in the illegal manufacture and distribution of controlled dangerous substances, such as but not limited to any of the following: scales, sieves, strainers, measuring spoons, staples and staplers, or procaine hydrochloride, mannitol, lactose, quinine, or any controlled dangerous substance.

(iii) lactose, quinine, mannite, mannitol, dextrose, sucrose, procaine hydrochloride or any other substance suitable as a diluent or adulterant in sufficient quantity and under such circumstances which reasonably indicate an intention to use any such substance for the illegal manufacture, distribution or dispensing of any controlled substance. Evidence of such circumstances shall include but not be limited to close proximity of any such controlled paraphernalia to any other adulterants, diluents or equipment commonly used in the illegal manufacture and distribution of controlled substances, such as but not limited to any of the following: scales, sieves, strainers, measuring spoons, staples and staplers, glassine envelopes, gelatin capsules, or any controlled substance.