

combination thereof which is adopted for the production of controlled dangerous substances under circumstances which reasonably indicate an intention to use such item or combination thereof to produce, sell, or dispense any controlled dangerous substance in violation of the provisions of this subheading;

(5) To keep or maintain any common nuisance which means any dwelling house, apartment, building, vehicle, vessel, aircraft, or any place whatever which is resorted to by drug abusers for purposes of illegally administering controlled dangerous substances or which is used for the illegal manufacture, distribution, dispensing, storage or concealment of controlled dangerous substances or controlled paraphernalia, as defined in subsection (d) of § 287 of this subheading.

(b) Any person who violates any of the provisions of subsection (a) with respect to:

(1) A substance classified in Schedules I or II which is a narcotic drug is guilty of a felony and is subject to imprisonment for not more than 20 years, or a fine of not more than \$25,000, or both. ANY PERSON WHO HAS PREVIOUSLY BEEN CONVICTED UNDER THIS PARAGRAPH SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 10 YEARS. NEITHER THE SENTENCE NOR ANY PART OF IT MAY BE SUSPENDED, AND THE PERSON SHALL NOT BE ELIGIBLE FOR PAROLE EXCEPT IN ACCORDANCE WITH ARTICLE 31B, § 11. This subsection does not prevent, prohibit or make ineligible any convicted defendant from participating in the rehabilitation program under Article 43B, §§ 12 and 13, because of the length of sentence.

(2) Phencyclidine, classified in Schedule II, is guilty of a felony and is subject to imprisonment for not more than ~~10~~ 20 years, or a fine of not more than \$20,000, or both. ANY PERSON WHO HAS PREVIOUSLY BEEN CONVICTED UNDER THIS PARAGRAPH SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 5 10 YEARS. NEITHER THE SENTENCE NOR ANY PART OF IT MAY BE SUSPENDED, AND THE PERSON SHALL NOT BE ELIGIBLE FOR PAROLE EXCEPT IN ACCORDANCE WITH ARTICLE 31B, § 11.

(3) Any other controlled dangerous substance classified in Schedule I, II, III, IV, or V shall, upon conviction, be deemed guilty of a felony and sentenced to a term of imprisonment for not more than 5 years or a fine of not more than \$15,000, or both. ANY PERSON WHO HAS PREVIOUSLY BEEN CONVICTED UNDER THIS PARAGRAPH SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 2 YEARS. NEITHER THE SENTENCE NOR ANY PART OF IT MAY BE SUSPENDED, AND THE PERSON SHALL NOT BE ELIGIBLE FOR PAROLE EXCEPT IN ACCORDANCE WITH ARTICLE 31B, § 11.