

(d) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be sentenced to imprisonment for not less than 40 years and is subject to a fine not exceeding \$100,000 if the person previously has served three or more separate terms of confinement as a result of three or more separate convictions:

- (i) under subsection (a) of this section or § 5-609 of this subtitle;
- (ii) of conspiracy to commit a crime included in subsection (a) of this section or § 5-609 of this subtitle;
- (iii) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-609 of this subtitle if committed in this State; or
- (iv) of any combination of these crimes.

(2) The court may not suspend any part of the mandatory minimum sentence of 40 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

~~5-609.~~

~~(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5-602 through 5-606 of this subtitle with respect to any of the following controlled dangerous substances is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both:~~

- ~~(1) phenylelidine;~~
- ~~(2) 1-(1-phenylecyclohexyl) piperidine;~~
- ~~(3) 1-phenylecyclohexylamine;~~
- ~~(4) 1-piperidinoecyclohexanecarbonitrile;~~
- ~~(5) N-ethyl-1-phenylecyclohexylamine;~~
- ~~(6) 1-(1-phenylecyclohexyl) pyrrolidine;~~
- ~~(7) 1-(1-(2-thienyl) cyclohexyl) piperidine;~~
- ~~(8) lysergic acid diethylamide; [or]~~
- ~~(9) 750 grams or more of 3, 4-methylenedioxyamphetamine (MDMA); OR~~
- ~~(10) METHAMPHETAMINE.~~

~~(b) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section shall be~~