

(2) A PERSON WHOSE VIOLATION OF THIS SECTION INVOLVES THE USE OR POSSESSION OF MARIJUANA IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 287(a), (e), and (b) except as it related to controlled paraphernalia.

In subsection (a)(1) of this section, the former reference to a "valid" prescription is deleted as implicit in the reference to a "prescription" from an authorized provider.

In subsection (a)(2)(ii) of this section, the defined term "counterfeit[ing]" is substituted for the former reference to "forgery" for consistency within this article. Similarly, in subsection (a)(2)(v) of this section, the reference to a "counterfeit" prescription or written order is substituted for the former reference to a "forged" prescription or written order.

In subsection (a)(2)(v) of this section, the reference to "issuing, or presenting" a prescription is substituted for the former reference to "uttering" a prescription for clarity and consistency within this article.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that subsection (b) of this section only provides for disclosure of information communicated to a "physician". Since other persons may be involved in unlawful attempts to obtain controlled dangerous substances, the General Assembly may wish to consider broadening this provision.

Defined terms: "Administer" § 5-101

"Authorized provider" § 5-101

"Controlled dangerous substance" § 5-101

"Counterfeit" § 1-101

"Distribute" § 5-101

"Manufacture" § 5-101

"Marijuana" § 5-101

"Possess" § 5-101

5-602. MANUFACTURING, DISTRIBUTING, POSSESSION WITH INTENT TO DISTRIBUTE, OR DISPENSING CONTROLLED DANGEROUS SUBSTANCE.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT:

(1) MANUFACTURE, DISTRIBUTE, OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE; OR

(2) POSSESS A CONTROLLED DANGEROUS SUBSTANCE IN SUFFICIENT QUANTITY REASONABLY TO INDICATE UNDER ALL CIRCUMSTANCES AN INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE.