

(2) POSSESS A COUNTERFEIT SUBSTANCE WITH INTENT TO DISTRIBUTE IT.

(C) SAME — EQUIPMENT TO CREATE COUNTERFEIT SUBSTANCE.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, OR POSSESS EQUIPMENT THAT IS DESIGNED TO PRINT, IMPRINT, OR REPRODUCE AN AUTHENTIC OR IMITATION TRADEMARK, TRADE NAME, OTHER IDENTIFYING MARK, IMPRINT, NUMBER, OR DEVICE OF ANOTHER ONTO A DRUG OR THE CONTAINER OR LABEL OF A DRUG, RENDERING THE DRUG A COUNTERFEIT SUBSTANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 277(g) and 286(a)(2) and (3).

In subsection (c) of this section, the reference to an "authentic" trademark is added to state expressly that which was only implied in the former law, namely, that a counterfeit substance may include a controlled dangerous substance that bears the genuine trademark of a manufacturer, distributor, or dispenser or a replica of that trademark.

Also in subsection (c) of this section, the reference to an imprint, "number", or device is added for consistency with subsection (a) of this section. The Criminal Law Article Review Committee calls this addition to the attention of the General Assembly.

Also in subsection (c) of this section, the reference to an "imitation" trademark is substituted for the former reference to "any likeness of", for clarity.

Also in subsection (c) of this section, the former reference to "any punch, die, plate, [or] stone" is deleted as included in the comprehensive reference to "equipment".

Defined terms: "Controlled dangerous substance" § 5-101

"Dispense" § 5-101

"Distribute" § 5-101

"Drug" § 5-101

"Manufacture" § 5-101

"Person" § 1-101

"Possess" § 5-101

5-605. KEEPING COMMON NUISANCE.

(A) "COMMON NUISANCE" DEFINED.

"COMMON NUISANCE" MEANS A DWELLING, BUILDING, VEHICLE, VESSEL, AIRCRAFT, OR OTHER PLACE:

(1) RESORTED TO BY INDIVIDUALS FOR THE PURPOSE OF ADMINISTERING ILLEGALLY CONTROLLED DANGEROUS SUBSTANCES; OR