

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 289(b) and (a)(2).

In subsection (a) of this section, the reference to "willfully" using a registration number is substituted for the former reference in subsection (b) of this section to "willfully" violating this section for clarity. The Criminal Law Article Review Committee calls this substitution to the attention of the General Assembly.

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

"Distribute" § 5-101

"Manufacture" § 5-101

"Person" § 1-101

5-904. UNLAWFULLY DISTRIBUTING CONTROLLED DANGEROUS SUBSTANCE.

(A) PROHIBITED.

A REGISTRANT MAY NOT:

(1) DISTRIBUTE OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II IN VIOLATION OF § 5-303(D) OF THIS TITLE; OR

(2) DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II IN THE COURSE OF THE REGISTRANT'S LEGITIMATE BUSINESS, EXCEPT IN ACCORDANCE WITH AN ORDER FORM UNDER § 5-303(D) OF THIS TITLE.

(B) PENALTIES.

(1) IF THE TRIER OF FACT SPECIFICALLY FINDS THAT A PERSON KNOWINGLY OR INTENTIONALLY VIOLATED SUBSECTION (A)(1) OF THIS SECTION, THE PERSON IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$100,000 OR BOTH.

(2) IN ALL OTHER CASES, A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$50,000.

(3) A PERSON WHO WILLFULLY VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$100,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 288(b), (a)(1), and, as it related to penalties, the second sentence of (c), and § 289(b) and (a)(1).

In the introductory language of subsection (a) of this section, the defined term "registrant" is substituted for the former reference to a "person ... [w]ho is subject to the requirements of §§ 281 through 284 of this subheading, as amended from time to time", for brevity and clarity.