

~~(B)~~ (C) IF THE PERSON REASONABLY BELIEVED THE NONCONTROLLED SUBSTANCE WAS A CONTROLLED DANGEROUS SUBSTANCE, IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE NONCONTROLLED SUBSTANCE THE PERSON POSSESSED, ~~SOLICITED, OR ATTEMPTED TO POSSESS~~ OR PURCHASED WAS NOT A CONTROLLED DANGEROUS SUBSTANCE.

(D) FOR PURPOSES OF DETERMINING WHETHER THIS SECTION HAS BEEN VIOLATED THE COURT SHALL INCLUDE IN ITS CONSIDERATION THE FOLLOWING:

(1) WHETHER THE NONCONTROLLED SUBSTANCE WAS PACKAGED IN A MANNER NORMALLY USED FOR THE ILLEGAL DISTRIBUTION OF CONTROLLED DANGEROUS SUBSTANCES;

(2) IF THE NONCONTROLLED SUBSTANCE WAS PURCHASED, WHETHER THE AMOUNT OF THE CONSIDERATION WAS SUBSTANTIALLY GREATER THAN THE REASONABLE VALUE OF THE NONCONTROLLED SUBSTANCE; AND

(3) WHETHER THE PHYSICAL APPEARANCE OF THE NONCONTROLLED SUBSTANCE IS SUBSTANTIALLY IDENTICAL TO THAT OF A CONTROLLED DANGEROUS SUBSTANCE.

~~(C)~~ (E) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING ~~\$25,000~~ \$500 OR IMPRISONMENT NOT EXCEEDING ~~4 YEARS~~ 1 YEAR OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

Approved May 14, 1991.

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## CHAPTER 363

(House Bill 342)

AN ACT concerning

### Health Care Utilization Review

FOR the purpose of ~~requiring private review agents to have policies and procedures to ensure that a representative of the private review agent is reasonably accessible to providers 24 hours a day 7 days a week in this State for a certain purpose; requiring the Secretary of Health and Mental Hygiene to deny an application for a certificate to conduct utilization review under certain circumstances; requiring a private review agent to disclose certain information to certain providers under certain circumstances; prohibiting a provider that obtains certain information from a~~