

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 277(q)(1) except as it defined "coca leaves".

In paragraph (1) of this subsection, the reference to "quality" is substituted for the former reference to "liability" for clarity.

(T) POSSESS.

"POSSESS" MEANS TO EXERCISE ACTUAL OR CONSTRUCTIVE DOMINION OR CONTROL OVER A THING BY ONE OR MORE PERSONS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 277(s).

Defined term: "Person" § 1-101

(U) PRESCRIPTION DRUG.

(1) "PRESCRIPTION DRUG" MEANS A DRUG THAT:

(I) IS INTENDED TO BE USED BY AN INDIVIDUAL; AND

(II) BECAUSE OF ITS TOXICITY, OTHER POTENTIALITY FOR HARMFUL EFFECT, METHOD OF USE, OR COLLATERAL MEASURES NECESSARY FOR ITS USE:

1. BEARS A CAUTIONARY LABEL WARNING A PERSON THAT UNDER FEDERAL LAW THE DRUG MAY NOT BE DISPENSED WITHOUT A PRESCRIPTION; OR

2. IS DESIGNATED BY THE DEPARTMENT AS NOT SAFE FOR USE EXCEPT UNDER THE SUPERVISION OF A PERSON LICENSED BY THE STATE TO ADMINISTER A PRESCRIPTION DRUG.

(2) "PRESCRIPTION DRUG" DOES NOT INCLUDE A CONTROLLED DANGEROUS SUBSTANCE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 300(a).

In the introductory language to paragraph (1) of this subsection, the former reference to "includ[ing]" is deleted as unnecessary in light of the reference to "mean[ing]".

In paragraph (1)(ii)2 of this subsection, the reference to a "person licensed by the State" to administer a prescription drug is substituted for the former reference to a "practitioner licensed by law" to administer the drug for clarity.

In paragraph (2) of this subsection, the former reference to a controlled dangerous substance "as defined in this subheading" is deleted in light of subsection (a) of this section to the same effect.