

5-503. OPIUM.

(A) "OPIUM" DEFINED.

IN THIS SECTION, "OPIUM" INCLUDES:

(1) CODEINE; AND

(2) A NATURAL OR SYNTHETIC COMPOUND, MANUFACTURED SUBSTANCE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF OPIUM.

(B) PRESCRIPTION REQUIRED; EXCEPTIONS.

(1) EXCEPT ON A VALID PRESCRIPTION OF AN AUTHORIZED PRESCRIBER AS DEFINED IN § 12-101 OF THE HEALTH OCCUPATIONS ARTICLE, A PERSON MAY NOT DISPENSE, GIVE, OR SELL A PREPARATION CONTAINING OPIUM OR ANY OF ITS DERIVATIVES.

(2) THIS SUBSECTION DOES NOT APPLY TO:

(I) A SALE MADE TO AN AUTHORIZED PROVIDER; OR

(II) A SALE MADE BY A MANUFACTURER, DISTRIBUTOR, OR LICENSED PHARMACY TO A HOSPITAL OR INSTITUTION THAT OPERATES A DISPENSARY IN WHICH AN AUTHORIZED PROVIDER IS IN CHARGE.

(C) POSSESSION OF OPIUM.

(1) EXCEPT ON A PRESCRIPTION FROM AN AUTHORIZED PRESCRIBER AS DEFINED IN § 12-101 OF THE HEALTH OCCUPATIONS ARTICLE, A PERSON MAY NOT POSSESS OR CONTROL A PREPARATION CONTAINING OPIUM OR ITS DERIVATIVES.

(2) A PERSON MAY POSSESS OR CONTROL A PREPARATION CONTAINING OPIUM OR ITS DERIVATIVES IF THE POSSESSION OR CONTROL IS IN THE REGULAR COURSE OF LAWFUL BUSINESS, OCCUPATION, PROFESSION, EMPLOYMENT, OR DUTY OF THE PERSON.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$1000;

(2) FOR A SECOND VIOLATION, A FINE NOT EXCEEDING \$2000; OR

(3) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 18 MONTHS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 285(d).

In subsections (a) and (c)(1) of this section, the former references to opium "or its derivatives" are deleted as included in the definition of opium in subsection (a)(2) of this section.