**§1116. Trafficking or furnishing imitation scheduled drugs**

**1.**  Except as provided in subsection 1‑A, a person is guilty of trafficking in or furnishing an imitation scheduled drug if the person intentionally or knowingly trafficks in or furnishes an imitation scheduled drug to a person who is:

A. At least 18 years of age. Violation of this paragraph is a Class E crime; or [PL 2001, c. 383, §143 (NEW); PL 2001, c. 383, §156 (AFF).]

B. Less than 18 years of age and the person trafficking or furnishing the imitation scheduled drug is at least 18 years of age. Violation of this paragraph is a Class D crime. [PL 2001, c. 383, §143 (NEW); PL 2001, c. 383, §156 (AFF).]

[PL 2001, c. 383, §143 (AMD); PL 2001, c. 383, §156 (AFF).]

**1-A.**  A person is not guilty of trafficking in or furnishing an imitation scheduled drug if the conduct that constitutes the trafficking or furnishing is expressly made a civil violation by Title 22, section 2383‑A.

[PL 2001, c. 383, §144 (NEW); PL 2001, c. 383, §156 (AFF).]

**2.**  Proof that the person intentionally or knowingly possesses 100 or more tablets, capsules or other dosage units of an imitation scheduled drug gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person is trafficking in or furnishing imitation scheduled drugs.

[PL 2001, c. 383, §145 (AMD); PL 2001, c. 383, §156 (AFF).]

**3.**

[PL 2001, c. 383, §146 (RP); PL 2001, c. 383, §156 (AFF).]

**4.**

[PL 2001, c. 383, §146 (RP); PL 2001, c. 383, §156 (AFF).]

**5.**  In determining whether the appearance of a dosage unit of an imitation scheduled drug would lead a reasonable person to believe the substance was a scheduled drug, as required by section 1101, subsection 19, the court shall consider, but is not limited to considering, the following:

A. In the case of a substance in tablet, capsule or other solid form, whether the size, shape and color are substantially similar to that of a specific scheduled drug, and in the case of a substance in powdered or liquid form, whether the color, consistency and appearance are substantially similar to that of a specific scheduled drug; [PL 1981, c. 603, §2 (NEW).]

B. Whether the markings on each dosage unit are substantially similar to those on a specific scheduled drug; and [PL 1981, c. 603, §2 (NEW).]

C. Whether the packaging of, or the labeling of a container containing the substance, bears markings or printed material substantially similar to that accompanying or containing a specific scheduled drug. [PL 1981, c. 603, §2 (NEW).]

[PL 1981, c. 603, §2 (NEW).]

**6.**  This section does not apply to:

A. Law enforcement officers acting in the course and legitimate scope of their employment; [PL 1981, c. 603, §2 (NEW).]

B. Persons who manufacture, process, package, distribute or sell imitation scheduled drugs solely for or to licensed medical practitioners for use as placebos in the course of professional practice or research; and [PL 1981, c. 603, §2 (NEW).]

C. Licensed medical practitioners, pharmacists and other persons authorized to dispense or administer scheduled drugs who are acting in the legitimate performance of their professional licenses. [PL 1981, c. 603, §2 (NEW).]

[PL 2001, c. 383, §147 (AMD); PL 2001, c. 383, §156 (AFF).]

SECTION HISTORY

PL 1981, c. 603, §2 (NEW). PL 2001, c. 383, §§143-147 (AMD). PL 2001, c. 383, §156 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1. 2023
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.