

**218A.1423 Marijuana cultivation -- Penalties.**

- (1) A person is guilty of marijuana cultivation when he knowingly and unlawfully plants, cultivates, or harvests marijuana with the intent to sell or transfer it.
- (2) Marijuana cultivation of five (5) or more plants of marijuana is:
  - (a) For a first offense a Class D felony.
  - (b) For a second or subsequent offense a Class C felony.
- (3) Marijuana cultivation of fewer than five (5) plants is:
  - (a) For a first offense a Class A misdemeanor.
  - (b) For a second or subsequent offense a Class D felony.
- (4) The planting, cultivating, or harvesting of five (5) or more marijuana plants shall be prima facie evidence that the marijuana plants were planted, cultivated, or harvested for the purpose of sale or transfer.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 441, sec. 20, effective July 14, 1992.