

138.870 Definitions for KRS 138.870 to 138.889.

As used in KRS 138.870 to 138.889, unless the context requires otherwise:

- (1) "Marijuana" means marijuana, whether real or counterfeit, as defined in KRS 218A.010.
- (2) "Controlled substance" means any controlled substance, whether real or counterfeit, as defined in KRS 218A.010 or any regulation promulgated thereunder, except that it shall not include marijuana.
- (3) "Offender" means a person who engages in this state in a taxable activity as defined in subsection (4) of this section.
- (4) "Taxable activity" means producing, cultivating, manufacturing, importing, transporting, distributing, acquiring, purchasing, storing, selling, using, or otherwise possessing, in violation of KRS Chapter 218A, more than five (5) marijuana plants with foliage, 42.5 grams of marijuana which has been detached from the plant on which it grew, seven (7) grams of any controlled substance, or fifty (50) or more dosage units of any controlled substance which is not sold by weight. The weight or dosage units in this subsection shall include the weight of marijuana or the weight or dosage units of the controlled substance, whether pure, impure, or diluted. A quantity of a controlled substance is diluted if it consists of a detectable quantity of a pure controlled substance and any excipients or fillers.
- (5) "Dosage unit" means a tablet, capsule, vial, or ampule of a controlled substance or, in cases of mass volume or diluted quantities, the proper dose or quantity of a controlled substance to be taken all at one (1) time or in fractional amounts within a given period, as defined and adopted by the United States Pharmacopeia.
- (6) "Possessing" includes either actual possession or constructive possession, or a combination of both actual and constructive possession. Mere possession or ownership of real estate or an interest therein does not establish constructive possession.

Effective: June 21, 2001

History: Amended 2001 Ky. Acts ch. 155, sec. 1, effective June 21, 2001. --
Created 1994 Ky. Acts ch. 315, sec. 1, effective July 15, 1994.