

218A.1421 Trafficking in marijuana -- Penalties.

- (1) A person is guilty of trafficking in marijuana when he or she knowingly and unlawfully traffics in marijuana, and the trafficking is not in compliance with, or otherwise authorized by, KRS Chapter 218B.
- (2) Unless authorized by KRS Chapter 218B, trafficking in less than eight (8) ounces of marijuana is:
 - (a) For a first offense a Class A misdemeanor.
 - (b) For a second or subsequent offense a Class D felony.
- (3) Unless authorized by KRS Chapter 218B, trafficking in eight (8) or more ounces but less than five (5) pounds of marijuana is:
 - (a) For a first offense a Class D felony.
 - (b) For a second or subsequent offense a Class C felony.
- (4) Unless authorized by KRS Chapter 218B, trafficking in five (5) or more pounds of marijuana is:
 - (a) For a first offense a Class C felony.
 - (b) For a second or subsequent offense a Class B felony.
- (5) Unless authorized by KRS Chapter 218B, the unlawful possession by any person of eight (8) or more ounces of marijuana shall be prima facie evidence that the person possessed the marijuana with the intent to sell or transfer it.
- (6) This section does not apply to:
 - (a) A cannabis business or a cannabis business agent, as defined in KRS 218B.010, when acting in compliance with KRS Chapter 218B; or
 - (b) A cardholder, as defined in KRS 218B.010, whose use of medicinal cannabis is in compliance with KRS Chapter 218B.

Effective: July 1, 2024

History: Amended 2023 Ky. Acts ch. 146, sec. 35, effective July 1, 2024. -- Created 1992 Ky. Acts ch. 441, sec. 18, effective July 14, 1992.

Legislative Research Commission Note (4/17/2024). The effective date of the amendments to this statute in 2023 Ky. Acts ch. 146, sec. 35, was changed from January 1, 2025, to July 1, 2024, in 2024 Ky. Acts ch. 195, sec. 24.