

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

- (1) A person is guilty of marijuana cultivation when he or she knowingly and unlawfully plants, cultivates, or harvests marijuana with the intent to sell or transfer it, and the cultivation is not in compliance with, or otherwise authorized by, KRS Chapter 218B.
- (2) Unless authorized by KRS Chapter 218B, 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) Unless authorized by KRS Chapter 218B, 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) Unless authorized by KRS Chapter 218B, 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.
- (5) This section does not apply to a cannabis business or a cannabis business agent, as defined in KRS 218B.010, when acting in compliance with KRS Chapter 218B.

**Effective:** July 1, 2024

**History:** Amended 2023 Ky. Acts ch. 146, sec. 37, effective July 1, 2024. -- Created 1992 Ky. Acts ch. 441, sec. 20, 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. 37, was changed from January 1, 2025, to July 1, 2024, in 2024 Ky. Acts ch. 195, sec. 24.