

**218A.1421 Trafficking in marijuana -- Penalties.**

- (1) A person is guilty of trafficking in marijuana when he knowingly and unlawfully traffics in marijuana.
- (2) 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) 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) 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) 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.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 441, sec. 18, effective July 14, 1992.