

218A.1413 Trafficking in controlled substance in second degree -- Penalties.

- (1) A person is guilty of trafficking in a controlled substance in the second degree when:
 - (a) He or she knowingly and unlawfully traffics in:
 1. Ten (10) or more dosage units of a controlled substance classified in Schedules I and II that is not a narcotic drug; or specified in KRS 218A.1412; or
 2. Twenty (20) or more dosage units of a controlled substance classified in Schedule III; but not naphthylpyrovalerone, 3,4-methylenedioxypyrovalerone, 3,4-methylenedioxymethylcathinone, 4-methylmethcathinone, synthetic cannabinoid agonists or piperazines, salvia, or marijuana;
 - (b) He or she knowingly and unlawfully prescribes, distributes, supplies, or sells an anabolic steroid for:
 1. Enhancing human performance in an exercise, sport, or game; or
 2. Hormonal manipulation intended to increase muscle mass, strength, or weight in the human species without a medical necessity; or
 - (c) Any quantity of a controlled substance specified in paragraph (a) of this subsection in an amount less than the amounts specified in that paragraph.
- (2)
 - (a) Except as provided in paragraph (b) of this subsection, any person who violates the provisions of subsection (1) of this section shall be guilty of a Class D felony for the first offense and a Class C felony for a second or subsequent offense.
 - (b) Any person who violates the provisions of subsection (1)(c) of this section shall be guilty of:
 1. A Class D felony for the first offense, except that KRS Chapter 532 to the contrary notwithstanding, the maximum sentence to be imposed shall be no greater than three (3) years; and
 2. A Class D felony for a second offense or subsequent offense.

Effective: June 8, 2011

History: Amended 2011 Ky. Acts ch. 2, sec. 10, effective June 8, 2011; and ch. 45, sec. 9, effective March 16, 2011. -- Amended 2010 Ky. Acts ch. 149, sec. 10, effective April 13, 2010; and ch. 160, sec. 10, effective April 26, 2010. -- Amended 1998 Ky. Acts ch. 606, sec. 64, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 441, sec. 13, effective July 14, 1992.

Legislative Research Commission Note (6/8/2011). This section was amended by 2011 Ky. Acts chs. 2 and 45, which do not appear to be in conflict and have been codified together.