

Kentucky Penalties for Common Substance Abuse, Drug Trafficking, and Other Offenses

Alcohol Intoxication

First and Second Offense: A fine of not less than \$25.

Subsequent Offenses within 12 months: A fine of not less than \$25 and not more than \$100, or imprisonment in the county jail for a term of 5-90 days, or both.

[Kentucky Revised Statutes 222.990 \(3\)-\(4\)](#)

Driving Under the Influence

At or above a BAC of 0.08 for those at or over 21 years of age; At or above a BAC of 0.02 for those under 21 years of age. Or under the influence of alcohol, controlled substance, or other substance that impairs driving. prior offenses shall include all convictions within the Commonwealth of Kentucky and any other state or jurisdiction for operating or being in control of a motor vehicle while under the influence of alcohol or other substances that impair a person's driving or a combination of alcohol and substances.

First Offense within a 10-year period:

A fine of \$200 to \$500; or imprisoned in the county jail for 48 hours and not more than 30 day, or both. Following sentencing, the defendant may apply to the judge to enter a community labor program for not less than 48 hours not more than 30 days in lieu of fine or imprisonment, or both. If any aggravating circumstances listed in this statute are present, the mandatory minimum term of imprisonment is 4 days which shall not be suspended, probated, conditionally discharged, or subject to any other form of early release.

Second Offense within a 10-year period:

A fine of \$350 to \$500. May also be confined in the county jail not less than seven days and not more than six months. In addition, may be required to serve community labor for not less than 10 days or not more than six months. If any aggravating circumstances listed in this statute are present, the mandatory minimum term of imprisonment is 14 days which shall not be suspended, probated, conditionally discharged, or subject to any other form of early release. at least forty-eight (48)hours of the mandatory sentence shall be served consecutively.

Third Offense within a 10-year period:

A fine of \$500 to \$1,000. Imprisoned in county jail for 30 days to 12 months. In addition to the fine and imprisonment, be sentenced to community labor for not less than 30 days or more than 12 months. If any aggravating circumstances listed in this statute are present, the mandatory minimum term of imprisonment is 60 days which shall not be suspended, probated, conditionally discharged, or subject to any other form of early release. at least forty-eight (48)hours of the mandatory sentence shall be served consecutively.

Fourth and Subsequent Offenses within a 10-year period:

Class D Felony

A Class D felony carries a sentence of one to five years and a fine of \$1,000 to \$10,000.

If any of the aggravating circumstances listed in this statute are present, the mandatory minimum term of imprisonment shall be 240 days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of release; the minimum term of imprisonment shall be 120 days, and this term shall not be suspended, probated, or subject

to conditional discharge or other form of early release. at least 48 hours of the mandatory sentence shall be served consecutively.

[Kentucky Revised Statutes - §189A.010](#)

Those Persons Under 21 not to Possess or Purchase Liquor (including use of a false ID)

First Offense:

Class B Misdemeanor

A Class B misdemeanor has a maximum sentence of 90 days and a \$250 fine.

Second and Subsequent Offenses:

Class A Misdemeanor

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

[Kentucky Revised Statutes - §244.085 and §244.990](#)

Purchasing or Assisting in Purchasing Alcohol for a Person under 21

First Offense:

Violation

A violation has a fine of \$250.

Subsequent Offense:

Class A Misdemeanor

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

[Kentucky Revised Statutes - §244.085\(4\) and §244.990](#)

Schedule I Controlled Substances

Those designated under [21 C.F.R. §1308.11](#) including those in 21 C.F.R. §1308.11(h) or [21 C.F.R. §1308.49](#) excluding cannabis plant material, and products made therefrom that contain tetrahydrocannabinols pursuant to the exemption established in [21 C.F.R. §1308.35](#), and any substance or product exempt from the definition of marijuana pursuant to [KRS 218A.010\(27\)\(a\)-\(f\)](#).

[Kentucky Administrative Regulations - 902 KAR 55:015](#)

Schedule II Controlled Substances

Each substance scheduled or designated as a Schedule II controlled substance under [21 C.F.R. §1308.12](#).

[Kentucky Administrative Regulations - 902 KAR 55:015](#)

Schedule III Controlled Substances

Those scheduled or designated as Schedule III controlled substance in [21 C.F.R. §1308.13](#), pentazocine, barbital, methylphenobarbital, and phenobarbital. Does not apply to any material, compound, mixture, or preparation containing any quantity of an anabolic steroid substance, or any isomer, ester, salt, or derivative thereof that is expressly intended for administration through implant to livestock or other nonhuman species and Approved by the United States Food and Drug Administration for use as described in this subsection.

[Kentucky Administrative Regulations - 902 KAR 55:015](#)

Schedule IV Controlled Substances

Each substance scheduled or designated as Schedule IV controlled substance under [21 C.F.R. §1308.14](#), and nalbuphine.

[Kentucky Administrative Regulations - 902 KAR 55:015](#)

Schedule V Controlled Substances

Each substance that is scheduled or designated as a Schedule V controlled substance under [21 C.F.R. §1308.15](#) and gabapentin.

[Kentucky Administrative Regulations - 902 KAR 55:015](#)

Prohibited Acts Relating to Controlled Substances (Including obtaining a prescription through misrepresentation)

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.140](#)

Possession of Synthetic Drugs

First Offense:

Class A Misdemeanor

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

Subsequent Offense:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1430\(2\)](#)

Possession of Controlled Substance in First Degree

Schedule I or II narcotic; controlled substance analogue; Methamphetamine; Lysergic acid diethylamide; Phencyclidine; GHB; Flunitrazepam

Class D Felony

Maximum sentence of three years

First or Second Offense: may be subject to deferred prosecution ([KRS 218A.14151](#)); or presumptive probation

[Kentucky Revised Statutes - §218A.1415](#)

Possession of Controlled Substance in Second Degree

Schedule I or II non-narcotic; specified in KRS 218A.1415; Schedule III controlled substance (not synthetic drugs, salvia or marijuana)

Class A Misdemeanor

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

[Kentucky Revised Statutes - §218A.1416](#)

Possession of Controlled Substance in Third Degree

Schedule IV or V controlled substance

Class A Misdemeanor

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

[Kentucky Revised Statutes - §218A.1417](#)

Possession of Marijuana

Class B Misdemeanor

Maximum sentence of 45 days.

\$250 Fine.

[Kentucky Revised Statutes - §218A.1422](#)

Unlawful Possession of a Methamphetamine Precursor

First Offense:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

Subsequent Offense:

Class D Felony

A Class D felony carries a sentence of one to five years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1437](#)

Possession of Salvia

Class B Misdemeanor

Maximum sentence of 30 days and a \$250 fine.

[Kentucky Revised Statutes - §218A.1451](#)

Restrictions on Possession of Dextromethorphan and Sale of Products Containing Dextromethorphan

Not an authorized person possessing one gram or more

First Violation:

A Fine of \$1,000.

Subsequent Violations:

A fine of \$2500.

Selling to a minor

First Violation:

A fine of \$25.

Subsequent Violation:

A fine of \$200.

[Kentucky Revised Statutes - §218A.1477 and §218A.1449](#)

Importing heroin, carfentanil, fentanyl, or fentanyl derivatives

Any quantity of heroin, carfentanil, fentanyl or fentanyl derivatives into the Commonwealth with intent to sell or distribute.

Class C Felony

A Class C felony carries a sentence between five to ten years and a fine of \$1,000 to \$10,000.

Defendant shall not be released on probation, shock probation, conditional discharge, or parole until they have served at least 50% of the sentence imposed.

[Kentucky Revised Statutes §218A.1410](#)

Trafficking in Controlled Substance in or Near School (Exception for Salvia Offenses)

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1411](#)

Trafficking in Controlled Substance in First Degree

Four grams or more of Cocaine; Two grams or more of Methamphetamine; 10 dosage units or more of Schedule I or II Narcotic or controlled substance analogue, Heroin, Fentanyl

First Offense:

Class C Felony

A Class C felony carries a sentence between five to ten years and a fine of \$1,000 to \$10,000.

Second or Subsequent Offenses:

Class B Felony

A Class B felony carries a sentence between 10 to 20 years and a fine of \$1,000 to \$10,000.

Quantities under 4 grams of cocaine; under 2 grams of methamphetamine; under 10 dosages of Schedule I or II Narcotic or controlled substance analogue

First Offense:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

Second or Subsequent Offenses:

Class C Felony

A Class C felony carries a sentence between five to ten years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1412](#)

Trafficking in Controlled Substance in Second Degree

10 or more dosage units of Schedule I and II (not specified in KRS 218A.1412); 20 or more dosage units of Schedule III controlled substance

First Offense:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

Second or Subsequent Offense:

Class C Felony

A Class C felony carries a sentence between five to ten years and a fine of \$1,000 to \$10,000.

Less than 10 dosage units of Schedule I and II (not specified in KRS 218A.1412), less than 20 dosage units of Schedule III controlled substance

First Offense:

Class D Felony

Maximum sentence of three years and a fine of \$1,000 to \$10,000.

Second and Subsequent Offenses:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1413](#)

Trafficking in Controlled Substance in Third Degree

20 or more dosage units of Schedule IV or V controlled substance

First offense: Under 120 dosage units

Class A Misdemeanor

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

First offense: More than 120 dosage units

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

Second or Subsequent Offenses:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

Less than 20 dosage units of Schedule IV or V controlled substance

First Offense:

Class A Misdemeanor and subject to the imposition of presumptive probation

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

Second or Subsequent Offenses:

Class D Felony

Maximum sentence of three years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1414](#)

Trafficking in a Misrepresented Controlled Substance

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.14141](#)

Aggravated Trafficking in Controlled Substance in First Degree

100 or more grams of heroin; 28 grams or more of fentanyl; or 10 or more grams of carfentanil or fentanyl derivatives

Class B Felony, and not released on probation, shock probation, conditional discharge, or parole until served at least 50% of the sentence imposed

A Class B felony carries a sentence of 10 to 20 years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.142](#)

Trafficking in Marijuana

Less than 8 ounces

First Offense:

Class A Misdemeanor

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

Second or Subsequent Offenses:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

Eight or more ounces but less than five pounds

First Offense:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

Second or Subsequent Offenses:

Class C Felony

A Class C felony carries a sentence between five to ten years and a fine of \$1,000 to \$10,000.

Five pounds or more

First Offense:

Class C Felony

A Class C felony carries a sentence between five to ten years and a fine of \$1,000 to \$10,000.

Second or Subsequent Offenses:

Class B Felony

A Class B felony carries a sentence of 10 to 20 years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1421](#)

Trafficking in Synthetic Drugs

First Offense:

Class D Felony

A Class D felony carries a sentence between one to five years.

May impose a maximum fine of double the defendant's gain from the commission of the offense.

Subsequent Offense:

Class C Felony

A Class C felony carries a sentence between five to ten years.

May impose a maximum fine of double the defendant's gain from the commission of the offense.

[Kentucky Revised Statutes - §218A.1430](#)

Selling Controlled Substances Other Than Salvia to Minor

First Offense:

Class C Felony

A Class C felony carries a sentence between five to ten years and a fine of \$1,000 to \$10,000.

Subsequent Offense:

Class B Felony

A Class B felony carries a sentence of 10 to 20 years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1401](#)

Additional Penalties for Trafficking in Controlled Substance Other Than Salvia or Marijuana

Pay the costs of disposal of the controlled substances; Pay the costs of disposal of all equipment, chemicals, materials, or other items used in or in furtherance of the trafficking offense; Pay the costs involved with environmental clean-up and remediation required for the real property and personal property used for or in furtherance of the trafficking offenses; and Pay the costs of protecting the public from dangers from chemicals, materials, and other items used for or in furtherance of the trafficking offense from the time of the arrest until the time that the clean-up or remediation of the real and personal property is concluded.

[Kentucky Revised Statutes - §218A.141](#)

Trafficking in or Transferring a Dietary Supplement

Containing ephedrine group alkaloids

First Offense:

Class A Misdemeanor

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

Second or Subsequent Offense:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1439](#)

Trafficking in Salvia

Class A Misdemeanor

A Class A misdemeanor has a maximum sentence of 12 months and a \$500 fine.

[Kentucky Revised Statutes - §218A.1450](#)

Unlawful Distribution of a Methamphetamine Precursor

First Offense:

Class D Felony

A Class D felony carries a sentence between one to five years and a fine of \$1,000 to \$10,000.

Second or Subsequent Offense:

Class C Felony

A Class C felony carries a sentence between five to ten years and a fine of \$1,000 to \$10,000.

In addition to or in place of above penalties: Any and all costs of detecting, investigating, and cleaning up or remediating unlawfully operated laboratories or other facilities for the illegal manufacture of methamphetamine or other controlled substance; Costs of prosecution of criminal cases arising from the illegal sale, transfer, distribution, manufacture, or dispensing of a controlled substance or their precursors; Court costs and reasonable attorney's fees for bringing this civil action; Consequential damages; and Punitive damages.

[Kentucky Revised Statutes - §218A.1438](#)

Manufacturing Methamphetamine

First Offense:

Class B Felony

A Class B felony carries a sentence of 10 to 20 years and a fine of \$1,000 to \$10,000.

Second or Subsequent Offense:

Class A Felony

A Class A felony carries a sentence of 20 to 50 years or for life and a fine of \$1,000 to \$10,000.

[Kentucky Revised Statutes - §218A.1432](#)