

218A.1412 Trafficking in controlled substance in first degree -- Penalties.

- (1) A person is guilty of trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in:
 - (a) Four (4) grams or more of cocaine;
 - (b) Two (2) grams or more of methamphetamine;
 - (c) Ten (10) or more dosage units of a controlled substance that is classified in Schedules I or II and is a narcotic drug, or a controlled substance analogue;
 - (d) Any quantity of heroin, fentanyl, carfentanil, or fentanyl derivatives; lysergic acid diethylamide; phencyclidine; gamma hydroxybutyric acid (GHB), including its salts, isomers, salts of isomers, and analogues; or flunitrazepam, including its salts, isomers, and salts of isomers; or
 - (e) Any quantity of a controlled substance specified in paragraph (a), (b), or (c) of this subsection in an amount less than the amounts specified in those paragraphs.
- (2) The amounts specified in subsection (1) of this section may occur in a single transaction or may occur in a series of transactions over a period of time not to exceed ninety (90) days that cumulatively result in the quantities specified in this section.
- (3)
 - (a) Any person who violates the provisions of subsection (1)(a), (b), (c), or (d) of this section shall be guilty of a Class C felony for the first offense and a Class B felony for a second or subsequent offense.
 - (b) Any person who violates the provisions of subsection (1)(e) 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.
 - (c) If the substance is fentanyl or a fentanyl derivative, and the injection, ingestion, inhalation, or other introduction of the fentanyl or fentanyl derivative causes the death of a person, the penalty for the offense shall be one (1) level higher than the level otherwise specified in this section.
 - (d) Any person convicted of a Class C felony offense or higher under this section shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least fifty percent (50%) of the sentence imposed in cases where the trafficked substance was heroin, fentanyl, carfentanil, or fentanyl derivatives.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 174, sec. 8, effective July 15, 2024. -- Amended 2019 Ky. Acts ch. 130, sec. 2, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 168, sec. 5, effective June 29, 2017. -- Amended 2015 Ky. Acts ch. 66, sec. 14, effective March 25, 2015. -- Amended 2011 Ky. Acts ch. 2, sec. 9, effective June 8, 2011. -- Amended 2002 Ky. Acts ch. 259, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 169, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 606, sec. 63, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 441, sec. 12, effective July 14, 1992.