

AN ACT relating to marijuana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 218A.1422 is amended to read as follows:

- (1) A person is guilty of possession of marijuana when he or she knowingly and unlawfully possesses marijuana.
- (2) **Possession of two (2) ounces of marijuana or less shall be a violation that is punishable by a maximum fine of seventy-five dollars (\$75).**
- (3) Possession of **more than two (2) ounces of** marijuana is a Class B misdemeanor, except that, KRS Chapter 532 to the contrary notwithstanding, the maximum term of incarceration shall be no greater than forty-five (45) days.

➔Section 2. KRS 218A.1423 is amended to read as follows:

- (1) A person is guilty of marijuana cultivation when he knowingly and unlawfully plants, cultivates, or harvests marijuana with the intent to sell or transfer it.
- (2) Marijuana cultivation of **six (6)**~~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) Marijuana cultivation of fewer than **six (6)**~~five (5)~~ plants is ~~a~~ **Class B misdemeanor**

~~{(a) For a first offense a Class A misdemeanor.~~

~~{(b) For a second or subsequent offense a Class D felony}.~~

- (4) The planting, cultivating, or harvesting of **six (6)**~~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.

➔Section 3. This Act shall be known and may be cited as the Kentucky Cannabis Freedom Act.