

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

ALCOHOL INTOXICATION – [KRS 222.990](#)

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

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

DRIVING UNDER THE INFLUENCE – [KRS 189A.010](#)

Penalty First Offense: A fine not less than \$200 and not more than \$500; or imprisoned in the county jail for 48 hours and not more than 30 day, or both.

Penalty Second Offense: Within five-year period, a fine of not less than \$350 or not more than \$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.

Subsequent offenses could result in the revocation of driver's license.

SELLING ALCOHOL TO A MINOR – [KRS 244.990](#)

Penalty First Offense: A fine of not less than \$100 and not more than \$200 or confined to the county jail not more than six months or both.

Penalty Second Offense: A fine not less than \$200 or not more than \$500; imprisonment in the county jail of not more than six months or both.

SCHEDULE I NARCOTICS

[KRS 218A.050](#) and [902 KAR 55:015](#)

High potential for abuse. Substances that have no accepted medical use in United States.

Includes: Heroin

UNLAWFUL TRAFFICKING:

Penalty First Offense: 5 to 10 years or \$5,000 to \$10,000 or both.

Subsequent Offense: 10 to 20 years or \$10,000 to \$20,000 or both.

UNLAWFUL POSSESSION:

Penalty First Offense: 1 to 5 years or \$3,000 to \$5,000 or both.

Subsequent Offense: 5 to 10 years or \$4,000 to \$10,000 or both.

SCHEDULE I NON-NARCOTICS

[KRS 218A.050](#) AND [902 KAR 55:015](#)

High potential for abuse. Substances that have no accepted medical use in the U.S.

Includes: LSD, Mescaline, Methaqualone, MDMA, PCE, Peyote, Hashish, Psilocybin, MDA, MMDA, DMT, THC, DET, Phencyclidine (PCP or "Angel Dust") and other hallucinogens. (Marijuana is included here; but since the punishment for marijuana violations is different than for other Schedule I non-narcotics, marijuana is given special consideration at the end of this section).

UNLAWFUL TRAFFICKING:

Penalty First Offense: 1 to 5 years or \$3,000 to \$4,000 or both. (Exception: LSD and Phencyclidine – 5 to 10 years or \$5,000 to \$10,000 or both).

Subsequent Offenses: 5 to 10 years or \$5,000 to \$10,000 or both. (Exception: LSD and Phencyclidine -10 to 20 years, or \$10,000 to \$20,000 or both).

UNLAWFUL POSSESSION:

Penalty First Offense: Commitment to treatment facility.
Subsequent Offenses: One year or less or \$500 or less or both.

SCHEDULE II NARCOTICS**[KRS 218A.070](#) AND **[902 KAR 55:020](#)****

High potential for abuse. Substance has accepted medical use in the United States.

Includes: Opium Derivatives (Dilaudid, Morphine, Percodan, etc.), Cocaine, Demerol, Methadone, Dronabinol, Sufenatil.

UNLAWFUL TRAFFICKING

Penalty First Offense: Same as Schedule I Narcotics
Subsequent Offenses: Same as Schedule I Narcotics

UNLAWFUL POSSESSION

Penalty First Offense: Same as Schedule I Narcotics
Subsequent Offenses: Same as Schedule I Narcotics

SCHEDULE II NON-NARCOTICS**[KRS 218A.070](#) AND **[902 KAR 55:020](#)****

High potential for abuse. Accepted medical use in the United States. Abuse may lead to severe psychological or physical dependence.

Includes: Amphetamine, Methamphetamine, Preludin, Ritalin, Amobarbital, Pentobarbital, Secobarbital.

UNLAWFUL TRAFFICKING:

Penalty First Offense: Same as Schedule I Non-narcotics
Subsequent Offenses: Same as Schedule I Non-narcotics

UNLAWFUL POSSESSION:

Penalty First Offense: Same as Schedule I Non-narcotics
Subsequent Offenses: Same as Schedule I Non-narcotics

SCHEDULE III**[KRS 218A.090](#) AND **[902 KAR 55:025](#)****

Abuse may lead to moderate or low physical dependence or high psychological dependence.

Includes: Talwan, Doride, Barbituates (other than those specified in Schedule II Non-narcotics) and the following anorectic drugs: Benzphetamine (Didrex), Chlorphentermine (Pre-safe), Chlortermine (Voramil), Mazindol (Sanorex), and Phendimetrazine (Plegine, Stratobex).

UNLAWFUL TRAFFICKING:

Penalty First Offense: 1 to 5 years or \$3,000 to \$5,000 or both.
Subsequent Offenses: 5 to 10 years or \$5,000 to \$10,000 or both.
Exception: Penalty for mere transferring of non-narcotic Schedule III substances is up to one year and/or \$500 for first offense, and 1 to 5 years and/or \$3,000 to \$5,000 for subsequent offenses.

UNLAWFUL POSSESSION:

Penalty First Offense: Same as Schedule I Non-narcotics
Subsequent Offenses: Same as Schedule I Non-narcotics

SCHEDULE IV

[KRS 218A.110 AND 902 KAR 55:030](#)

Abuse may lead to limited physical dependence or psychological dependence.

Includes: Chloral hydrate, Meprobamate (Equanil, Milltown), Paraldehyde, Destropropoxphene (Darvon), Chlordiazepoxide (Librium), Clonazepam (Dalmane), Mebutamate (Capia), Methohexital (Brevital), Oxazepam (Serax), Pemoline (Cylert), and stimulants such as diethylpropion (Tenuate) and phentermine (Lonamin).

UNLAWFUL TRAFFICKING:

First Penalty Offense: One year or less or \$500 or less or both.

Subsequent Offenses: 1 to 5 years or \$3,000 to \$5,000 or both.

UNLAWFUL POSSESSION:

Penalty First Offense: Same as Schedule I Non-narcotics.

Subsequent Offenses: Same as Schedule I Non-narcotics.

SCHEDULE V

[KRS 218A.130 AND 902 KAR 55:035](#)

Includes: Codeine Cough Preparations – Cheracol, Robitussin AC, Cosanyl, Ambenyl, Phenergan with Codeine, etc.

UNLAWFUL TRAFFICKING:

Penalty First Offense: Same as Schedule IV.

Subsequent Offenses: Same as Schedule IV.

UNLAWFUL POSSESSION:

First Offense: Same as Schedule IV.

Subsequent Offenses: Same as Schedule IV.

MARIJUANA

[KRS 218A.1421](#)

UNLAWFUL TRAFFICKING:

Penalty First Offense: 5 or more lbs – Class C Felony; 8 oz to 5 lbs - Class D Felony; Less than 8 oz - Class A Misdemeanor

Subsequent Offenses: 5 or more lbs – Class B Felony; 8 oz to 5 lbs – Class C Felony; Less than 8 oz – Class D Felony

UNLAWFUL SELLING OR TRANSFERRING TO PERSON UNDER 18 BY PERSON 18 OR OVER:

Penalty First Offense: Class D Felony

Subsequent Offenses: Class C Felony

UNLAWFUL POSSESSION FOR OWN USE OR UNLAWFUL TRANSFERRING OF LESS THAN 8 OUNCES:

Penalty First Offense and Subsequent Offenses: Class B Misdemeanor, maximum term of incarceration shall be no greater than 45 days

UNLAWFUL PLANTING, CULTIVATING, OR HARVESTING:

Penalty First Offense: 5 or more plants - Class D Felony; Less than 5 plants – Class A Misdemeanor

Subsequent Offenses: 5 or more plants – Class C Felony; Less than 5 plants – Class D Felony