

**218A.1416 Possession of controlled substance in second degree -- Penalties.**

- (1) A person is guilty of possession of a controlled substance in the second degree when he knowingly and unlawfully possesses: a controlled substance classified in Schedules I or II which is not a narcotic drug; or specified in KRS 218A.1415; or, a controlled substance classified in Schedule III; but not lysergic acid diethylamide, phencyclidine, synthetic cannabinoid agonists or piperazines, salvia, or marijuana.
- (2) Possession of a controlled substance in the second degree is:
  - (a) For a first offense a Class A misdemeanor.
  - (b) For a second or subsequent offense a Class D felony.

**Effective:** April 26, 2010

**History:** Amended 2010 Ky. Acts ch. 149, sec. 11, effective April 13, 2010; and ch. 160, sec. 11, effective April 26, 2010. -- Amended 1998 Ky. Acts ch. 606, sec. 66, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 441, sec. 16, effective July 14, 1992.

**Legislative Research Commission Note (4/26/2010).** This section was amended by 2010 Ky. Acts chs. 149 and 160, which do not appear to be in conflict and have been codified together.