

218A.1437 Unlawful possession of a methamphetamine precursor -- Prima facie evidence of intent -- Penalties.

- (1) A person is guilty of unlawful possession of a methamphetamine precursor when he or she knowingly and unlawfully possesses a drug product or combination of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, with the intent to use the drug product or combination of drug products as a precursor to manufacturing methamphetamine or other controlled substance.
- (2)
 - (a) Except as provided in paragraph (b) of this subsection, possession of a drug product or combination of drug products containing more than nine (9) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, within any thirty (30) day period shall constitute prima facie evidence of the intent to use the drug product or combination of drug products as a precursor to methamphetamine or other controlled substance.
 - (b) The prima facie evidence referred to in paragraph (a) of this subsection shall not apply to the following persons who lawfully possess a drug product or combination of drug products listed in subsection (1) of this section in the course of legitimate business:
 1. A retail distributor of drug products or wholesaler of drug products or its agent;
 2. A wholesale drug distributor, or its agent, issued a permit by the Board of Pharmacy;
 3. A pharmacist licensed by the Board of Pharmacy;
 4. A pharmacy permitted by the Board of Pharmacy;
 5. A licensed health care professional possessing the drug products in the course of carrying out his or her profession;
 6. A trained chemist working in a properly equipped research laboratory in an education, government, or corporate setting; or
 7. A common carrier under contract with any of the persons or entities set out in subparagraphs 1. to 6. of this paragraph.
- (3) Unlawful possession of a methamphetamine precursor is a Class D felony for the first offense and a Class C felony for each subsequent offense.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 150, sec. 10, effective June 20, 2005. -- Created 2002 Ky. Acts ch. 170, sec. 1, effective July 15, 2002.