

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 508

02/11/2013 Authored by Hausman

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; authorizing courts to recognize a necessity defense for
1.3 certain criminal, administrative, and civil cases involving natural herbs of the
1.4 genus Cannabis; proposing coding for new law in Minnesota Statutes, chapter
1.5 634.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [634.40] NECESSITY DEFENSE.

1.8 Subdivision 1. **Defense.** Sections 152.02, subdivision 7, clause (1), and 152.21,
1.9 and other law may not be construed, directly or by implication, to deny a defendant in a
1.10 criminal proceeding, or a person involved in a civil or administrative proceeding, the right
1.11 to introduce evidence or testimony of a medical need to use, or a therapeutic or palliative
1.12 benefit derived from the use of, natural herbs of the genus Cannabis or confections or
1.13 other products derived directly from, or containing extracts from, natural herbal cannabis;
1.14 which evidence or testimony is acceptable as a mitigating or exculpatory circumstance in
1.15 the proceeding. This evidence or testimony is also not precluded from consideration in the
1.16 course of an appeal, under established rules, of any verdict, ruling, or decision reached in
1.17 a criminal, civil, or administrative proceeding.

1.18 Subd. 2. **Exceptions.** This section does not apply to charges under section 152.021,
1.19 subdivision 1; 152.022, subdivision 1; 152.023, subdivision 1; or 152.024, subdivision 1,
1.20 that involve the sale of more than a small amount of cannabis.