Minnesota HF 508
NECESSITY DEFENSE
Rep. Hausman, introduced 02/11/2013

Who is protected by the law?
- Provides an affirmative defense to any defendant facing a 5th degree crime against the MN Controlled Substance Act, civil action, or administrative action, if their conduct was related to medical cannabis therapy.
- Specifically, defendants in the above actions may “introduce evidence or testimony of a medical need to use, or a therapeutic or palliative benefit derived from the use of” medical cannabis.

What medical conditions are eligible for medical cannabis therapy?
- Specific conditions are not mentioned, therefore no medical condition is specifically included or excluded by the law. It would be up to a court to determine if the evidence presented about a patient’s condition is applicable to the law.

How do patients safely access medical cannabis under the law?
- No access system is created by this law. Instead, patients may possess or transfer “a small amount marijuana for no remuneration”.
- “Small amount” is defined in the Section 152.01 of MN Statutes as “42.5 grams or less”.

Does the law prevent discrimination against medical cannabis patients?
- No specific discrimination protection is offered for housing, employment, education, child custody, or organ transplant discrimination.

What limitations must patients and caregivers adhere to under this law?
- Persons may not sell cannabis for remuneration; and may not sell for any amount if in a school zone, a park zone, a public housing zone, or a drug treatment facility.