

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.*

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