

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH LEGISLATURE**

**S.F. No. 733**

(SENATE AUTHORS: MARTY and Pappas)

DATE	D-PG	OFFICIAL STATUS
02/25/2013	386	Introduction and first reading Referred to Judiciary

A bill for an act

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

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

Section 1. **[634.40] NECESSITY DEFENSE.**

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

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