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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **3443**

March 8, 2010

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

1.1 A bill for an act  
1.2 relating to public safety; authorizing courts to recognize a medical necessity  
1.3 defense for certain criminal, administrative, and civil cases involving marijuana;  
1.4 proposing coding for new law in Minnesota Statutes, chapter 152.

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

1.6 Section 1. **[152.30] MEDICAL NECESSITY DEFENSE; MARIJUANA.**

1.7 Subdivision 1. **Medical necessity defense not precluded.** No Minnesota law may  
1.8 be construed, directly or by implication, to deny a defendant in a criminal proceeding, or a  
1.9 person involved in a civil or administrative proceeding, the right to introduce evidence or  
1.10 testimony regarding a medical need to use marijuana, or a therapeutic benefit derived from  
1.11 marijuana, where the evidence or testimony is acceptable as a mitigating or exculpatory  
1.12 circumstance in the proceeding. This evidence or testimony is also not precluded from  
1.13 consideration in the course of an appeal, under established rules, of any verdict, ruling, or  
1.14 decision reached in a criminal, civil, or administrative proceeding.

1.15 Subd. 2. **Exceptions.** This section does not apply to:

1.16 (1) charges under section 152.021, subdivision 1; 152.022, subdivision 1; 152.023,  
1.17 subdivision 1; or 152.024, subdivision 1, that involve the sale of more than a small  
1.18 amount of marijuana; or

1.19 (2) any purely private contractual or disciplinary situation involving an employer  
1.20 and an employee, unless specifically incorporated into a collective bargaining agreement.