

Right to peddle produce doesn't include pot, court rules

A line in the Minnesota Constitution about a person's right to sell products from his farm or garden without a license doesn't protect a man who sold marijuana, the state Court of Appeals ruled Tuesday.

A three-judge appeals panel let stand the conviction of Thomas Wright, who was arrested after police found more than 11 pounds of marijuana, including

41 live plants, during a search of his home in Minneapolis in 1996.

Wright based his appeal on a section of the Constitution that says, "Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefore."

But the Appeals Court said the state law prohibiting the sale of marijuana is constitutional de-

spite that provision. The judges noted that the state Supreme Court has previously upheld Minnesota's marijuana laws as a valid exercise of the state's police powers.

The appeals panel said that there isn't much case law on the meaning of the constitutional language on selling farm and garden products, but that cases from 1909 and 1925 suggest that it

grants a privilege rather than a fundamental liberty.

State law contains "numerous reasonable restrictions" on the way farm products enter the market, such as prohibitions on the sale of unwholesome, misbranded or adulterated food, the judges said.

—*Associated Press*