

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL OLSEN, Petitioner, v. STATE OF IOWA Respondent.	No. CVCV068508 <i>STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE TO BE TRIED</i>
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MATERIAL FACTS

1. In *State v. Olsen*, No. 171-69079, July 18, 1984, the Iowa Supreme Court found the petitioner sincerely and genuinely believes in the religious use of cannabis. A copy of the decision is attached to the Petitioner's Motion for Summary Judgment as Exhibit A.

2. The petitioner sincerely and genuinely believes in religious use of cannabis. See the attached Affidavit of Carl Olsen.

3. In 1988, the Chief Administrative Law Judge for the U.S. Drug Enforcement found that cannabis is non-toxic. A copy of the decision is attached to the Petitioner's Motion for Summary Judgment as Exhibit B. "In practical terms, marijuana cannot induce a lethal response as a result of drug related toxicity." DEA Docket No. 86-22, September 6, 1988, at page 57.

4. In 1988, the Chief Administrative Law Judge for the U.S. Drug Enforcement found that cannabis "is one of the safest therapeutically active substances known to man." A copy of the decision is attached to the Petitioner's Motion for Summary Judgment as Exhibit B. DEA Docket No. 86-22, September 6, 1988, at pages 58-59.

5. Iowa Code Chapter 124 is a substantial burden on the religious use of cannabis by the petitioner.

6. Iowa Code Chapter 124 contains a statutory preference for religious use of the Schedule 1 peyote plant by members of the Native American Church.

7. Iowa Code Chapter 124 contains a statutory exception for cultivation of cannabis plants, Iowa Code Chapter 124E.

8. Iowa Code Chapter 124 contains a statutory exception for Δ^9 -THC, Iowa Code Chapter 204.

9. Iowa Code Chapter 124E authorizes cultivation of cannabis plants, manufacture of cannabis extracts, distribution of cannabis extracts, and possession and use of cannabis extracts without a prescription.

10. Cultivation of cannabis plants pursuant to Iowa Code Chapter 124E is prohibited by 21 U.S.C. § 841 and is not authorized as a federal exception under 21 U.S.C. § 822(d) in Iowa.

11. Manufacture of cannabis extracts pursuant to Iowa Code Chapter 124E is prohibited by 21 U.S.C. § 841 and is not authorized as a federal exception under 21 U.S.C. § 822(d) in Iowa.

12. Distribution of cannabis extracts pursuant to Iowa Code Chapter 124E is prohibited by 21 U.S.C. § 841 and is not authorized as a federal exception under 21 U.S.C. § 822(d) in Iowa.

13. Possession and use of cannabis extracts pursuant to Iowa Code Chapter 124E is prohibited by 21 U.S.C. § 844 and is not authorized as a federal exception under 21 U.S.C. § 822(d) in Iowa.

14. Cultivation of peyote, distribution of peyote, and possession and use of peyote pursuant to Iowa Code Chapter 124 are authorized as federal exceptions under 21 U.S.C. § 822(d) in Iowa.

15. Iowa Code Chapter 204 authorizes the recreational use of Δ^9 -THC in Iowa.

16. Recreational use of Δ^9 -THC in Iowa is federally authorized by 7 U.S.C. § 1639o.

17. Iowa Code Chapter 124 contains a statutory religious exemption in § 124.204(8) for peyote in § 124.204(4) and peyote is in the same classification as cannabis and Δ^9 -THC which are both in § 124.204(4).

18. Iowa Code Chapter 124 does not contain an administrative process for granting exceptions.

19. Federal drug law contains an administrative process for granting exceptions in 21 U.S.C. § 822(d), and that authority has been used to create a religious exception for religious use of the Schedule 1 peyote plant by members of the Native American Church in 21 C.F.R. § 1307.31.

20. The legislative history of Iowa Code Chapter 124 in the Final Report of the Drug Abuse Study Committee to the Sixty-Fourth General Assembly of the State of Iowa (January 1971) explains why the administrative process recommended in § 302(d) of the Uniform Act was never added to Iowa Code Chapter 124.¹

21. The last annual report required under Iowa Code § 124E.5(5) published by the Iowa Department of Health and Human Services describes the usage pattern of

¹ <https://www.legis.iowa.gov/docs/publications/IP/255497.pdf>

cannabis extracts, showing that over 75% of products being purchased are in vaporized form, over 82% are a high concentration of THC, and over 19% of users have waivers allowing higher amount of THC in a 90-day period.²

Dated December 22, 2025.

Respectfully submitted.

CARL OLSEN

/s/ Carl Olsen

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² <https://www.legis.iowa.gov/docs/publications/DF/1518508.pdf>