

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL OLSEN, Petitioner, v. STATE OF IOWA, Respondent.	Case No. CVCV068508 RESPONDENT'S POST-TRIAL BRIEF
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INTRODUCTION

Petitioner Carl Olsen seeks a religious exemption under Iowa's Religious Freedom Restoration Act (RFRA) to use marijuana as a sacrament in accordance with his claimed religious beliefs. In his petition initiating this matter and in multiple other cases Mr. Olsen focused his religious beliefs as a member of the Ethiopian Zion Coptic Church (EZCC). At trial Mr. Olsen denied his religious beliefs were tied to the EZCC. Tr. 17:19-21.

The Iowa RFRA protects sincerely held religious beliefs from substantial governmental burdens unless justified by a compelling interest pursued through the least restrictive means. Mr. Olsen's claim fails on all components of his RFRA claim. First, while Mr. Olsen may well be sincere in his beliefs, those beliefs are "...entirely conclusory based upon the result he seeks to obtain." *Winters v. State*, 549 N.W. 2d 819, 821 (Iowa 1996) (considering claim under federal RFRA). While Iowa's RFRA lacks the legislative and decisional history of the federal RFA it is certainly likely that the Iowa legislature, like congress' legislative history of the federal RFRA, "urges courts to weed out false religious claims that are actually attempts to gain special privileges..." *Ochs v. Thalacker*, 90 F. 3d 293, 296 (8th Cir. 1996). Here, Mr. Olsen's beliefs are based upon being able to use marijuana anytime he wants, in any amount he wants, anytime he

wants without any limitation on quantity. Tr. 32:4-12. What is left undeveloped is how such unlimited and unrestricted use has “...sufficient detail to illuminate what tenets of the religion in fact were.” *Winters*, 549 N.W. 2d at 821. As in *Winters* the lack of evidence tying all of that together has “...defeated his right to prevail.” *Id.*

The State certainly recognizes that “Courts must be cautious in attempting to separate real from fictitious beliefs.” *Ochs*, 170 F. 3d at 296., citing *Thomas v. Review Bd. Of Ind. Employment Sec. Div.*, 450 U.S. 707, 713-16 (1981). However, the fact that Mr. Olsen has previously claimed that 20 tons of marijuana he and his colleagues attempted to smuggle into the country were protected by his religious beliefs¹ certainly raises legitimate questions regarding the sincerity of his religious beliefs. In this brief the State will thus focus on the lack of any undue burden and, even more importantly, the very compelling state interests involved as well as the fact the State is employing the least restrictive means of enforcing its controlled substances laws. While religious liberty is afforded substantial protection it cannot be at the expense of protecting Iowans from the dangers of unregulated controlled substances. The Iowa RFRA protects religious liberty, not drug legalization by another name. Granting an exemption to Iowa’s controlled substances laws as requested by Mr. Olsen poses grave public safety, public health and welfare concerns.

Finally, claims like Mr. Olsen’s made by him and others have been consistently rejected in every jurisdiction taking up the issue, at both federal and state levels. The result should be the same here.

FACTUAL AND PROCEDURAL BACKGROUND

Mr. Olsen has been challenging Iowa’s Controlled Substance Act (CSA) as it relates to his claimed use of marijuana for religious purposes for over forty years. *See Olsen v. Holder*, 610 F.

¹ *United States v. Rush*, 738 F. 2d 497 (1st Cir. 1984).

Supp. 2d 985, 987-88 (S.D. Iowa 2009). The federal court in the afore-cited case succinctly summarizes the factual and legal history pertinent to this case as follows:

Plaintiff is a member and priest in the Ethiopian Zion Coptic Church, a recognized religion that employs marijuana as “an essential portion of [its] religious practice.” Compl. ¶¶ 23–27. Plaintiff has been party to numerous lawsuits seeking, in one form or another, recognition of what he contends is his religious right to use marijuana. *See State v. Olsen*, 315 N.W.2d 1, 8 (Iowa 1982) (concluding that the State of Iowa had a compelling interest sufficient to override Olsen's claim that possession of marijuana was permissible as a free exercise of his religion); *United States v. Rush*, 738 F.2d 497, 512–13 (1st Cir.1984) (finding that Olsen was not entitled to assert a defense based on free exercise of religion because “[n]o broad religious exemption from the marijuana laws is constitutionally required”); *Olsen v. Drug Enforcement Admin.*, 776 F.2d 267, 268 (11th Cir.1985) (finding that Olsen's request to obtain a religious exemption from the marijuana laws fell outside the scope of 21 U.S.C. § 811); *Olsen v. Drug Enforcement Admin.*, 878 F.2d 1458, 1463 (D.C.Cir.1989) (rejecting Olsen's claim that equal protection mandated an exemption for sacramental use of marijuana similar to the exception for peyote use by Native Americans and further finding that “the free exercise clause does not compel the DEA to grant Olsen an exemption immunizing his church from prosecution for illegal use of marijuana”); *Olsen v. Mukasey*, 541 F.3d 827, 832 (8th Cir.2008) (finding that Olsen's free exercise and equal protection claims were barred by collateral estoppel).

Id.

On July 19, 2025, Mr. Olsen filed this latest attempt at nullifying Iowa law with a sprawling, difficult to follow, twenty-four-page Petition where, in the end, he sings a different verse of the same song, this time claiming Iowa’s RFRA requires “enjoining the state from interfering with this constitutionally protected activity.” Pet. ¶ 93.

On February 19, 2025, the State filed a motion to dismiss this lawsuit asserting Mr. Olsen lacked standing, that Mr. Olsen’s prior litigation was preclusive on his current attempt to invalidate Iowa’s CSA and, in any event Iowa’s CSA met both prongs of the Iowa RFRA. *See* D0005. Mr. Olsen filed multiple resistances to the motion to dismiss. *See* D0007, D0008, D0013, D0014, D0016. In the ruling on the motion to dismiss the Court first determined that, solely for purposes of the motion to dismiss, Mr. Olsen had standing. *See* D0019. With respect to the issue of collateral

estoppel the court found “the issue raised in this litigation is the same as the Petitioner’s prior actions...” but, again for purposes solely related to motion to dismiss standards, denied the motion allowing Mr. Olsen the opportunity to attempt to show that substantive facts or substantive law have changed since these prior rulings. *Id.*, at 4.

Subsequently, both parties filed motions for summary judgment. This Court denied Mr. Olsen’s motion for summary judgment and granted the State’s motion in part, dismissing any claims based on the United States or Iowa Constitutions. MSJ Ruling at p. 6. However, this Court also determined “that facts must be established prior to a decision on whether the State has a compelling governmental interest that would justify a substantial burden on a person’s exercise of religion.” MSJ Ruling at 8.

On March 4, 2026, Mr. Olsen filed yet another Motion for Summary Judgment. On May 28, 2026, the court denied that motion and the matter proceeded to trial. Trial was held on August 10, 2026, and the matter submitted to the court that same day. The Court allowed the parties to file post-trial briefs.

THE RELIGIOUS FREEDOM RESTORATION ACT

Iowa’s Religious Freedom Restoration Act (RFRA) set forth in Iowa Code Chapter 675 was signed into law on April 29, 2024, with an immediate effective date. As may be pertinent to this case, Iowa Code section 675.4 provides:

1. State action shall not substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability, unless the government demonstrates that applying the burden to that person’s exercise of religion is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.
2. A person whose exercise of religion has been substantially burdened in violation of this chapter may assert such violation as a claim or defense in a judicial or administrative proceeding and obtain appropriate relief, including damages, injunctive relief, or other appropriate redress. Standing to assert a claim or defense

under this chapter shall be governed by the general rules of standing under state and federal law. The plaintiff, if the prevailing party, may also recover reasonable attorney fees and costs.

Because injunctive relief is expressly contemplated by the RFRA, an injunction may only be issued “upon proof of a violation of the statute”. *Worthington v. Kenkel*, 664 N.W. 2d 228, 232 (Iowa 2004). Mr. Olsen’s desired use of marijuana does not, under any circumstances, violate Chapter 675, thus negating any claim for injunctive relief.

ARGUMENT

I. THE STATE POSSESSES A COMPELLING INTEREST IN REGULATING MARIJUANA

This court has previously determined that a fact issue precluded a finding for or against a compelling interest in enforcing its narcotics laws. MSJ Ruling at 8. At trial the State fully developed the record on that issue. The Iowa Controlled Substances Act classifies marijuana as a Schedule I substance, indicating a high potential for abuse and no accepted medical use. Iowa Code § 124.203 (2024). The government’s interest in protecting public health, welfare and safety as well as preventing diversion, and maintaining the integrity of its drug control system is well established. The witnesses presenting testimony at trial provided substantial factual support for the State’s compelling interest in health, safety, and welfare as related to Iowa’s controlled substance laws.

A. State’s Compelling Interest in the Health of its Citizens

During trial of this case Mr. Olsen called Owen Parker who is the Bureau Chief of the Cannabis Regulation Division of the Iowa Department of Health and Human Services. Tr. 35:25; Exh. AA pg. 2. Mr. Parker is also the drafter of the legislatively mandated Annual Report to the Iowa General Assembly of the Medical Cannabidiol Board. Tr. 60:8-10. In that report the Board adopted findings of a subcommittee composed of medical professionals that the type of cannabis

used for smoking was not appropriate for medical treatment. Tr. 61:2-3. Significantly, the Board noted that dried raw cannabis, what would be generally smokable marijuana, had a high potential for diversion for recreational use, including diversion to minors. Tr. 61:9-20; 64:10-15; Exh. AA pp. 26-29. The board further notes its study of peer reviewed research found that cannabis smoke was associated with chronic lung disease including lung cancer. Tr. 63-64. Undoubtedly the State has compelling interest in the health of its citizens particularly as it may relate to chronic and deadly diseases.

The State also presented testimony from Susan Sher who is the Bureau Chief for the Iowa Office of Drug control Policy. The Office of Drug Control Policy was established by the legislature to coordinate and monitor substance use issues within the State. Ms. Sher in her role is also the author of the annual Iowa Drug Control Strategy and Drug use profile. Tr. 73:24-74:7. Ms. Sher noted that marijuana is the number one substance reported by juveniles seeking substance abuse treatment. Tr. 74:14-16. Over 40 percent of Iowans who were admitted for substance use disorder treatment cited marijuana usage within the past 30 days. Tr. 75:1-4. As Ms. Sher put it, “the welfare of our children is paramount in our state, and we have lots of information is coming out especially about the effects of marijuana on young people. There is an increase in psychosis from cannabis use. There is also an increase in what’s called hyperemesis, which is uncontrolled vomiting, especially in young people.” Tr. 75:13-18. What is particularly alarming with respect to children is Mr. Olsen’s belief that his religious beliefs can also be practiced by minors. Tr. 19:9-12. Protecting children from harm is a compelling state interest. *See In Interest of D.J.R.*, 454 N.W. 2d 838, 845 (Iowa 1990).

Overall, marijuana is second only to alcohol in people seeking substance abuse treatment. Tr. 75-76. Emergency room visits in Iowa have nearly doubled in the last 10 years for people

seeking emergency treatment because of THC use. Tr. 77:7-11. The societal costs of unregulated marijuana use are substantial and include “decreased workplace productivity, youth dropping out of school, emergency room visits, treatment. All of the negative societal effects from legalization of marijuana.” Tr. 79:17-20. “Whether the government has a compelling interest in preventing drug abuse can hardly be disputed.” *United States v. Israel*, 317 F. 3d 768, 771 (7th Cir. 2003).

B. The State’s Compelling Interest in the Welfare of its Citizens, Particularly Children

“[t]here is a large correlation between substance use and neglect, or what is referred to as denial of critical care cases, child welfare cases in our state. Over 80 percent of all confirmed child abuse cases in our state connect - could connect to substance use in some manner, whether it was denial of critical care or illegal substance found in a child’s body or someone using in the presence of a minor.” (Sher testimony) Tr. 83:4-14. Bryant Strouse, Assistant Director of the Division of Narcotics Enforcement within the Iowa Department of Public has observed, “...a strong correlation between subjects involved in our drug investigations and instances of child neglect, child abuse, deplorable living conditions.” Something Mr. Strouse has personally observed, “unfortunately far too many times.” Tr. 112:1-10. Iowa courts have, “...recognized in the past that the State ‘may intervene to prevent or stop certain conduct that presents a health or safety hazard, despite individuals’ religious beliefs.’” *In re S.H.*, 882 N.W. 2d 874 (Table) at *5 (Iowa Ct. App. Feb. 24, 2016) quoting *In re N.F.*, 2002 WL 31758353, at *2 (Iowa Ct. App. Dec. 11, 2002) (citing with approval cases from several other states which stand for the proposition that a state’s compelling interest in protecting children from abuse justifies interference with religious practices).

C. The State has a Compelling Interest in Public Safety

The Iowa Supreme Court many years ago stated “the State’s interest in regulating impaired driving, particularly as it relates to marijuana, is compelling.” *State v. Newton*, 929 N.W. 2d 250, 258 (Iowa 2019). “Marijuana, or cannabis, is by far the most prevalent drug found in evaluations of impaired drivers in our state. Cannabis outnumbers every other drug when we’re talking about illicit substances. It is also more common in positive blood and urine screens than even alcohol.” (Sher testimony) Tr. 81:1-6. Impaired driving poses serious risk, including death, to everyone who utilizes the State’s roadways. Tr. 81:9-14. In acknowledging the State’s compelling interest the Iowa Supreme Court has recognized, “the state has a compelling interest in public safety, including preventing death and serious injury...”. *State v. Mahana*, 36 N.W. 3d 706, 722 (Iowa 2026) quoting *State v. Woods*, 23 N.W. 3d 258, 276 (Iowa 2025).

Courts have also generally accepted the congressional determination that marijuana poses a threat to individual health and welfare. *See State v. Olsen*, 315 N.W. 2d 1, 8 (Iowa 1982); *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S 418, 438 (2006). The state also has a compelling interest in preventing the diversion of cannabis to non-religious uses as well as diversion to minors which would be completely unprotected by the RFA. *United States v. Christi*, 825 F. 3d 1048, 1057 (9th Cir. 2016); *Mult-Denominational Ministry of Cannabis and Rastafari, Inc. v. Holder*, 365 Fed. Appx. 817, 820 (9th Cir. 2010).

II. DENYING THE EXEMPTION IS THE LEAST RESTRICTIVE MEANS TO ACHIEVE ITS COMPELLING INTERESTS

The State cannot achieve its compelling interest through less restrictive means. Iowa’s marijuana laws are neutral and generally applicable. Creating a religious exemption for Mr. Olsen would necessitate a complex and unenforceable regulatory scheme to monitor sincerity, usage boundaries, age restrictions, and diversion risks, all of which are burdens courts repeatedly decline

to impose. See *O Centro* 546 U.S. at 430–32. (explaining that the least restrictive means inquiry is context-specific and turns on regulatory feasibility).

Further, courts evaluating similar religious exemption claims by Mr. Olsen have uniformly denied them, emphasizing the impracticality of carving out such a broad exemption. See *Olsen v. Mukasey*, 541 F.3d 827, 832 (8th Cir. 2008) (“Olsen has not shown that an exemption for marijuana would not undermine the purposes of drug laws.”); *United States v. Christie*, 825 F. 3d 1048 (9th Cir. 2016) (government had compelling interest in preventing marijuana for religious use from being diverted to recreational users and Controlled Substances Act was least restrictive means to achieve that interest). As Assistant Director Strouse put it, “It would be impossible to determine, based on someone’s claim of religious use, whether or not there was an actual religious use or if it was simply, you know – lack of a better term regular use of a controlled substance. I think it also raises concerns of diversion and those controlled substances falling into unintended hands, which, again, is very problematic when it comes to controlled substances.” Tr. 112:20-113:6.

At trial Ms. Sher also emphasized the impracticability, in fact, impossibility of distinguishing between religious use and non-religious. Tr. 83:19-85:6.

Mr. Olsen’s repeated litigation of this issue, in both federal and state courts, further demonstrates the consistency with which courts have rejected attempts to exempt marijuana use under the guise of religious liberty. The fact that Mr. Olsen now invokes a recently enacted state RFRA does not alter the fundamental constitutional and practical considerations that bar the relief he seeks.

III. MR. OLSEN’S RELIGIOUS BELIEFS ARE NOT SUBSTANTIALLY BURDENED

Mr. Olsen testified that for the last 36 years he has been able to continue his religious beliefs without using marijuana. Tr. 19:16-20:6. In other words, Mr. Olsen’s ability to believe as

he believes has not been hindered by Iowa's controlled substances laws. Without evidence to show that Mr. Olsen's adherence to his religious beliefs were in fact burdened, he cannot prevail as a threshold matter. *Winters v. State*, 549 N.W. 2d 819, 821 (Iowa 1996). Further, Mr. Olsen continues to be free to go to neighboring states to engage in his claimed religious practices. Mr. Olsen can also utilize any number of products containing a legal amount of THC. The evidence in this record is insufficient to establish that any religious beliefs of Mr. Olsen has been substantially burdened.

IV. CONCLUSION

Q. And so you're asking the Court to allow you to use marijuana or cannabis anytime you want to; right?

A. Yeah.

Q. As much as you want to?

A. Yep.

Q. Any day of the week?

A. Yep.

Q. But with not any limitations at all on any quantity involved?

A. Correct.

Tr. 32:4-12.

By granting the exemption sought by Mr. Olsen, the court would invite a flood of exemption claims creating a slippery slope where the State is trying to protect the welfare of all Iowans from the impact of unregulated controlled substance use. "If criminal statutes against marijuana were nullified as to those who claim the right to possess and traffic this drug for religious purposes...then the anti-marijuana laws would be meaningless and impossible to enforce." *State v. Balzer*, 954 P.2d 931 (Wash. App. 1998). By allowing exemptions for religious use, drug laws enacted for specific purposes, including public safety, would be completely undermined. The State has no practical way to distinguish sincere religious use from recreational or exploitative use and is using the least restrictive means available to further its compelling interests.

Respectfully submitted,

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PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on September 3, 2026:

- | | |
|---|--|
| ☐ U.S. Mail | ☐ FAX |
| ☐ Hand Delivery | ☐ Overnight Courier |
| ☐ Federal Express | ☐ Other |
| ☒ ECF System Participant (Electronic Service) | |

Signature: /s/ Audra Jobst