

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL OLSEN, Petitioner, v. STATE OF IOWA Respondent.	No. CVCV068508 <i>MOTION FOR SUMMARY JUDGMENT AND PERMANENT INJUNCTION</i>
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Petitioner Carl Olsen respectfully moves for summary judgment and permanent injunction, as there are no disputed issues of material fact or credibility that warrant a hearing in this case and the petitioner is entitled to judicial relief as a matter of law.

STATEMENT OF THE CLAIM

The Iowa Controlled Substances Act (“Iowa CSA”) is unconstitutional as applied to the religious use of cannabis by the petitioner. The religious use of cannabis by the petitioner is protected by the First Amendment to the Constitution of the United States. The religious use of cannabis by the petitioner is not a threat to public health and safety. Cannabis is not toxic. Cannabis is one of the safest therapeutically active substances known to man.¹

The Fourteenth Amendment prohibits religious discrimination by state governments.

The Iowa CSA contains a secular preference for therapeutic and recreational use of cannabis which discriminates against the religious use of cannabis by the petitioner. Iowa Code § 124.401(5)(c).

The Iowa CSA contains a religious preference for another plant in Schedule 1, peyote, by members of another church, the Native American Church, which discriminates against the religious use of cannabis by the petitioner. Iowa Code § 124.204(8).

¹ U.S. Drug Enforcement Administration, Administrative Law Judge, Francis L. Young, Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of Administrative Law Judge, DEA Docket No. 86-22, Sept. 6, 1988, pp. 56-59. <https://carl-olsen.com/pdfs/young.pdf>

The Iowa CSA contains a secular preference for recreational use of THC (the psychoactive component in cannabis), which discriminates against the religious use of cannabis by the petitioner. Iowa Code § 124.204(7).

The Religious Freedom Restoration Act (“Iowa RFRA”), Iowa Code Chapter 675, authorizes an injunction against the enforcement of the Iowa CSA against the religious use of cannabis by the petitioner. The RFRA restores the First Amendment protection rejected in *Employment Division v. Smith*, 494 U.S. 872 (1990). Even if a state CSA is both neutral toward religious beliefs and generally applicable the state must still show a compelling interest (a threat to the public health and safety posed by the petitioner) in the enforcement of the state CSA against the religious use of cannabis by the petitioner.

The two elements in *Employment Division v. Smith*, lack of neutrality and lack of general applicability, are further evidence of religious discrimination by the state in addition to the lack of any threat to the public health and safety posed by the petitioner.

The state has no compelling interest in enforcing the Iowa CSA against the religious use of cannabis by the petitioner because it can show no harm that will result from the religious use of cannabis by the petitioner.

LEGAL STANDARD

A motion for summary judgment is appropriately granted when there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *Venckus v. City of Iowa City*, 990 N.W. 2d 800, 807 (Iowa 2023).

On motion for summary judgment, the court must: (1) view the facts in the light most favorable to the nonmoving party, and (2) consider on behalf of the nonmoving party every legitimate inference reasonably deduced from the record. *Venckus*, 990 N.W. 2d at 807.

An issue of fact is material only when the dispute is over facts that might affect the outcome of the suit, given the applicable governing law. *Varnum v. Brien*, 763 N.W. 2d 862, 874 (Iowa 2009).

In *Gonzales v. O Centro Espírita Beneficente União do Vegetal*, 546 U.S. 418 (2006) (UDV), the Court emphasized that RFRA's test is satisfied only if the government demonstrates a compelling interest in the specific application of the law to the person whose religious rights are burdened rather than a compelling interest in the uniform application of the law. Iowa Code § 675.4.

CONCLUSION

The petitioner moves the court for summary judgment granting permanent injunctive relief enjoining enforcement of Chapter 124 against the religious use of cannabis by the petitioner, to wit: nothing in Iowa Code Chapter 124 shall apply to the religious use cannabis by Carl Olsen.

Dated September 25, 2025.

Respectfully submitted.

CARL OLSEN

/s/ Carl Olsen

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