

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>CARL OLSEN,  Petitioner,  v.  STATE OF IOWA,  Respondent.</p>	<p>Case No. CVCV068508  <b>RESPONDENT'S RESPONSES TO PETITIONER'S STATEMENT OF MATERIAL FACTS</b></p>
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COMES NOW, Respondent, hereby responds to the Petitioner's Statement of Material Facts as follows:

**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 Second Motion for Summary Judgment as "Exhibit A".

**RESPONSE: Admit the cited case stands for the holdings contained therein.**

2. In *State v. Olsen*, 315 N.W.2d 1 (Iowa 1982), the Iowa Supreme Court assumed without deciding that the religion practiced by the Petitioner is one which is protected by the free exercise clause and that Carl Olsen's belief in the cannabis sacrament is sincere and central to the Ethiopian Zion Coptic Church.

**RESPONSE: Admit the cited case stands for the holdings contained therein.**

3. The attached affidavit of Carl Olsen declares and affirms that the Petitioner sincerely and genuinely believes in the religious use of cannabis and that the religious use of cannabis is central and essential to the religious beliefs of the Petitioner as person, independently of

any religious affiliation.

**RESPONSE: Admit.**

4. In *Town v. State ex rel. Reno*, 377 So.2d 648, 649 (Florida 1979), cited in *State v. Olsen*, 315 N.W.2d 1, 8 (Iowa 1982), the Florida Supreme Court found that the Ethiopian Zion Coptic Church represents a religion within the first amendment to the Constitution of the United States; the use of cannabis is an essential portion of the religious practice; the Ethiopian Zion Coptic Church is not a new church or religion but the record reflects it is centuries old and has regularly used cannabis as its sacrament.

**RESPONSE: Admit the cited case stands for the holdings contained therein.**

5. The attached affidavit of Carl Olsen and “Exhibit C” attached to the Petitioner’s Second Motion for Summary Judgment affirm that the Petitioner lived at 43 Star Island, Miami, Fl. (the residence of Jacquelyn Renee Town) in April of 1980.

**RESPONSE: Admit.**

6. 43 Star Island, Miami, Florida, was the headquarters of the Ethiopian Zion Coptic Church in the United States at the time the Petitioner lived there.

**RESPONSE: Admit but deny this fact is material to any issue in this matter.**

7. In 1988, the Chief Administrative Law Judge (ALJ) for the U.S. Drug Enforcement Administration (DEA), authorized by Congress under 21 U.S.C. § 811, found that cannabis is non-toxic. A copy of the decision is attached to the Petitioner’s Motion for Summary Judgment as “Exhibit B”. The ALJ found, “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.

**RESPONSE: Admit but deny this fact is material to any issue in this matter.**

8. In 1988, the Chief Administrative Law Judge for the U.S. Drug Enforcement Administration (DEA), authorized by Congress under 21 U.S.C. § 811, 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.

**RESPONSE: Admit but deny this fact is material to any issue in this matter.**

9. Iowa Code Chapter 124 forbids the religious use of the Schedule 1 cannabis plant by the Petitioner.

**RESPONSE: Admit.**

10. Iowa Code Chapter 124 allows the religious use of the Schedule 1 peyote plant by members of the Native American Church. Iowa Code § 124.204(8).

**RESPONSE: Admit.**

11. Iowa Code Chapter 124 allows cultivation of Schedule 1 cannabis plants as an alternative to prescription drugs, contrary to the meaning of accepted drug use by prescription as defined in Iowa Code §§ 124.203(b), 124.205(b), 124.205(b), 124.207(b), 124.209(b), and 124.211(b). Iowa Code Chapter 124E is referenced in Iowa Code § 124.401(5)(c) as an exception to Chapter 124.

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

12. Iowa Code Chapter 124 allows recreational use of  $\Delta^9$ -THC, Iowa Code Chapter 204 referenced in Iowa Code § 124.204(7)(b), and  $\Delta^9$ -THC is an exclusion from Chapter 124 in Iowa Code § 124.204(4)(u)(2) and is not a controlled substance when used recreationally.

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

13. Iowa Code Chapter 124E authorizes cultivation of Schedule 1 cannabis plants, manufacture of Schedule 1 cannabis extracts, distribution of Schedule 1 cannabis extracts, sale of Schedule 1 cannabis extracts, and possession of Schedule 1 cannabis extracts with extremely high levels of  $\Delta^9$ -THC without a prescription and without medical supervision as defined in Iowa Code § 124.203(b), or in 21 U.S.C. § 812(b).

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

14. Cultivation of peyote, distribution of peyote, sale of peyote, and possession of peyote pursuant to Iowa Code § 124.204(8) are authorized under 21 U.S.C. § 822(d) located in 21 C.F.R § 1307.31.

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

15. Cultivation of Schedule 1 cannabis plants pursuant to Iowa Code Chapter 124E is forbidden by Congress in 21 U.S.C. § 841, and is not currently authorized as an exception under 21 U.S.C. § 822(d).

**RESPONSE: Admit.**

16. Possession and use of Schedule 1 cannabis extracts pursuant to Iowa Code Chapter 124E is forbidden by Congress in 21 U.S.C. § 844, and is not currently authorized as an exception under 21 U.S.C. § 822(d).

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

17. Iowa Code Chapter 204 authorizes recreational use of  $\Delta^9$ -THC in Iowa and recreational use of  $\Delta^9$ -THC in Iowa and Congress has authorized the recreational use of  $\Delta^9$ -THC in 7 U.S.C. § 1639o.

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

18. Iowa Code Chapter 124 contains a statutory religious preference in § 124.204(8) for the cultivation, distribution, sale, and possess of peyote by a single named religious sect, the Native American Church.

**RESPONSE: Admit section 124.204(8) allows the use oof peyote by the Native American Church.**

19. Peyote is a Schedule 1 controlled substance listed in § 124.204(4), and peyote is in the same classification as Schedule 1 cannabis plants and Scheule 1  $\Delta^9$ -THC which are also both listed in § 124.204(4).

**RESPONSE: Admit.**

20. Iowa Code Chapter 204 (1971) did not, and Iowa Code Chapter 124 (2026) does not, authorize an administrative process for granting exceptions like the process recommended by the Drug Abuse Study Committee to the Sixty-Fourth General Assembly of the State of Iowa in § 302(4) of the committee recommendations, in § 302(d) of the Uniform Act, and in 21 U.S.C. § 822(d) of the federal Controlled Substances Act.

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

21. Federal drug law authorizes an administrative process, recommended by the Iowa Drug Abuse Study Committee and the Uniform Law Commission for granting exceptions, in 21 U.S.C. § 822(d) that was used to create the 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.

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

22. Anyone can request an exception under 21 U.S.C. § 822(d) of the federal Controlled Substances Act, including religious organizations (a religious sect has one) and sovereign states (no state has one, because no state has asked for one).

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

23. The legislative history of Iowa Code Chapter 124 published in the Final Report of the Drug Abuse Study Committee to the Sixty-Fourth General Assembly of the State of Iowa (January 1971) recommended including § 302(d) of the Uniform Act in Chapter 204 (currently Chapter 124), but § 302(d) of the Uniform Act was omitted from Iowa Code Chapter 204 in 1971 (currently Chapter 124) without any explanation as to why it was being omitted.<sup>1</sup>

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

24. The last annual report of the Medical Cannabidiol Board, required under Iowa Code § 124E.5(5) and published by the Iowa Department of Health and Human Services on

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

January 1, 2026, describes the usage pattern of cannabis extracts in Iowa, showing that over 78% of products being purchased are in vaporized form, over 90% of products are high concentration of  $\Delta^9$ -THC, and over 27% of registered users have waivers allowing higher amounts of  $\Delta^9$ -THC in a 90-day period.<sup>2</sup>

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

25. The only restrictions on when or where Schedule 1 cannabis extracts with extremely high levels of  $\Delta^9$ -THC can be used by persons registered under Iowa Code Chapter 124E, are that it must be personal and private and can't be used where someone else objects to being involved, as in Iowa Code §§ 124E.21, 22, and 23.

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

26. Under Chapter 124E,  $\Delta^9$ -THC potency, time, place, and frequency, are left to the discretion of the registered person subject to the limitations in 641 Iowa Admin. Code § 154.12.

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

27. Under Chapter 124E, registered persons cannot share their cannabis extracts with anyone, including other registered persons, unless they are registered as a caregiver for a registered person under Iowa Code § 124E.4.

**RESPONSE: Admit.**

28. Chapter 124E is federal racketeering (RICO) because it is not currently authorized under 21 U.S.C. § 822(d). *Safe Streets Alliance v. Hickenlooper*, 859 F3d 865, 884 (10<sup>th</sup> Cir.

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<sup>2</sup> <https://www.legis.iowa.gov/docs/publications/DF/1594762.pdf>

2017):

Marijuana is a controlled substance under the CSA. 21 U.S.C. § 802(16). So the manufacture, distribution, and sale of that substance is, by definition, racketeering activity under RICO. 18 U.S.C. § 1961(1)(A), (D).

**RESPONSE: Denied and deny this fact is material to any issue in this matter.**

29. Iowa Code § 124.204(8) is not federal racketeering because it authorized under 21 U.S.C. § 822(d).

**RESPONSE: Denied for lack of information. Deny this fact is material to any issue in this matter.**

Respectfully submitted,

**BRENNA BIRD**

Attorney General of Iowa

/s/ Jeffrey Peterzalek

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ATTORNEY FOR RESPONDENT

**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 March 19, 2026:

- |   |  |
|---|--|
| <input type="checkbox"/> U.S. Mail  | <input type="checkbox"/> FAX               |
| <input type="checkbox"/> Hand Delivery  | <input type="checkbox"/> Overnight Courier |
| <input type="checkbox"/> Federal Express  | <input type="checkbox"/> Other             |
| <input checked="" type="checkbox"/> ECF System Participant (Electronic Service) |  |

Signature: /s/ Megan Weber