IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL OLSEN, Petitioner, v. STATE OF IOWA Respondent.	No. CVCV068508 ***OPENING STATEMENT OF PETITIONER ON SECOND MOTION FOR SUMMARY JUDGMENT***

Petitioner Carl Olsen respectfully asks the Court to accept the attached written opening statement the Petitioner read at the hearing yesterday, April 24, 2026, at 10:30 a.m. before District Judge Celene Gogerty in Room HC260 of the Polk County Historic Courthouse on the Second Motion for Summary Judgment submitted by the Petitioner on March 4, 2026.

Dated April 25, 2026.

Respectfully submitted.

CARL OLSEN

/s/ Carl Olsen

CARL OLSEN, Pro Se
130 E. Aurora Ave.
Des Moines, IA 50313
Phone: 515-343-9933
Email carl@carl-olsen.com

Copy to:

Jeffrey Peterzalek
Deputy Attorney General
Department of Justice
Hoover State Office Building, 2nd Floor
Des Moines, IA 50319
by
ECF System Participant (Electronic Service)

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Opening Statement - April 24, 2026

On page 6 of its Resistance (Docket No. 46), the State says:

> Creating a religious exemption for Petitioner 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).

The context in this case is much different than it was in those federal cases. The Federal Act allows the Attorney General to reclassify controlled substances under 21 U.S.C. § 811, and make exceptions by regulation under 21 U.S.C. § 822. The Iowa Controlled Substances Act does not give the Executive Branch that authority. The Judicial Branch cannot impose regulatory schemes. Unlike the Attorney General of the United States, the Iowa Executive Branch has no less restrictive options under the Iowa Act.

Other differences between prior cases and this one are as follows:

1. The Petitioner in this case is only one person, not a religious organization.
2. The Petitioner is not planning to share cannabis with anyone.
3. The Petitioner is not asking to be regulated.

The world is not the same today as it was then. In 2020, at the urging of the United States, cannabis was reclassified in the UN Single Convention treaty. Yesterday, the United States reclassified cannabis from Schedule 1 to Schedule 3 based on that same treaty. Under the authority of 21 U.S.C. § 811(d), the Attorney General said:

> At page 10
> Marijuana contains Δ^9-THC, the substance responsible for the abuse potential of marijuana.

> At page 11
> Despite the high prevalence of nonmedical use of marijuana, HHS observed that an overall evaluation of epidemiological indicators suggests that it does not produce serious outcomes compared to drugs in schedules I or II. HHS found this especially

notable given the availability of marijuana and marijuana-derived products that contain extremely high levels of Δ^9-THC.

At page 14

HHS further concluded that marijuana can produce psychic dependence in some individuals, but that the likelihood of serious outcomes is low, suggesting that high psychological dependence does not occur in most individuals who use marijuana.

In 1971, the State removed the process for making exceptions from the Iowa Controlled Substances Act, contrary to the Federal Act, the Uniform Act, and the Act recommended by the 1971 Drug Abuse Study Committee, and then added a statutory exception for the religious use of peyote by the Native American Church.

In *Olsen v. Drug Enforcement Administration* the U.S. Court of Appeals said that a statutory exception for the religious use of a controlled substance would violate the Establishment Clause. In *Mitchell County v. Zimmerman* the Iowa Supreme Court said, "A law lacks facial neutrality if it refers to a religious practice without a secular meaning discernable from the language or context."

Members of the peyote church are not regulated. Businesses supplying peyote to members of that church can simply register under Chapter 124. There is no complex regulatory scheme for the peyote church because religious use of peyote by that church is authorized under 21 U.S.C. § 822(d).

Businesses operating under Iowa Code Chapter 124E cannot register under Chapter 124. The State has not applied for authorization under 21 U.S.C. § 822(d). The complex regulatory scheme in Chapter 124E was self-inflicted. Forcing users to violate federal drug law or be denied medical treatment, and needlessly exposing the public to federal racketeering, violates the right of the people to the protection federalism affords.

In 2014, the State added an exception for cannabis extracts and THC. In 2017, that exception evolved into cultivation. In 2020, the three-percent limit on THC potency was removed. Over 18,000 Iowans have an exception for THC which they can use anywhere at anytime as long as they do not share it with anyone else. Users under Chapter 124E simply get an annual registration card and are otherwise unregulated.

In 2019, the Iowa Legislature authorized recreational use of THC. Under Chapter 204, there is no limit on the total amount of THC that can be used, purchased, or shared.

The State says it has an interest in prohibiting the use of cannabis, without exception, but never explains why an exception for personal and private religious use by the Petitioner would cause harm that is not caused by the existing exceptions for cannabis and THC under chapters 124E and 204.

The least restrictive means is an injuntion, because there is no other remedy at law. The State can move to disolve an injunction if its terms are violated, so no harm will accrue to the State from enjoining the enforcement of the Act against the personal and private religious use of cannabis by the Petitioner.