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IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL OLSEN, Petitioner, vs. **STATE OF IOWA,** Respondent.	**Case No. CVCV068508** **RULING ON MOTIONS FOR SUMMARY JUDGMENT**

Hearing was held on November 14, 2025, on cross motions for summary judgment. The Petitioner appeared and represented himself. The Respondent ("the State") was represented by its attorney Jeff Peterzalek.

On September 25, 2025, the Petitioner filed his motion for summary judgment (D0022). On October 30, 2025, the State filed their resistance to the Petitioner's motion and included their own motion for summary judgment (D0030).

After considering the issues presented, the court makes the following order.

Summary judgment is available only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Buechel v. Five Star Quality Care, Inc.*, 745 N.W.2d 732, 735 (Iowa 2008); *Rodda v. Vermeer Mfg*., 734 N.W.2d 480, 483 (Iowa 2007). An issue of material fact occurs when the dispute involves facts that might affect the outcome of the suit under the applicable law. *Wallace v. Des Moines Independent Community School Dist. Bd. of Directors*, 754 N.W.2d 854, 857 (Iowa 2008). An issue is "genuine" when the evidence allows a reasonable fact finder to return a verdict for the non-moving party. *Id*. The burden of showing the nonexistence of a material fact is on the moving party, and every legitimate inference that reasonably can be deduced from the evidence should be afforded the nonmoving party. *Id.*; *Rodda*, 734 N.W.2d at 483.

In his petition, the Petitioner asks the court to enjoin the State from interfering with the religious use of cannabis pursuant to the United States Constitution, the Iowa Constitution, and Iowa Code Chapter 675 aka Religious Freedom Restoration Act ("IRFRA"). He asks both declaratory and injunctive relief. He asserts the State is acting without a compelling interest and not by the least restrictive means of achieving an interest. His petition does not cite specifically which provisions of the United States and Iowa constitutions are being violated.

Both sides have filed cross motions for summary judgment and have filed briefs containing their legal arguments. Neither have filed a statement of non-disputed facts nor a statement of disputed facts. No affidavits were submitted.

Relevant procedural history

The Petitioner has a long history of challenging both Iowa and federal controlled substance acts for purposes of the use of cannabis for religious purposes, both in Iowa and federal courts. In 1982, the Iowa Supreme Court found the State had a compelling state interest to override the Petitioner's free exercise of religion. *State v. Olsen,* 315 N.W.2d 1 (Iowa 1982). In 1984, the First Circuit of the United States Court of Appeals rejected the Petitioner's claims and found that members of the Ethiopian Zion Coptic Church were not entitled, as a matter of equal protection, to a religious exemption from marijuana laws on the same terms as the peyote exemption. *U.S. v. Rush,* 738 F.2d 497, 513 (1st Cir. 1984). In 1985, the Petitioner unsuccessfully attempted to compel a response from the Drug Enforcement Administration ("DEA") to his petition to amend rules to allow religious use of marijuana. *Olsen v. Drug Enforcement Administration,* 776 F.2d 267 (11th Cir. 1985). In 1989, the District of Columbia Circuit of the United States Court of Appeals

that the free exercise clause did not entitle the Ethiopian Zion Coptic Church members to use marijuana and an exemption for peyote did not violate the establishment clause. *Olsen v. Drug Enforcement Administration,* 878 F.2d 1458 (D.C.Cir. 1989).

In 2008, the Eighth Circuit of the United States Court of Appeals considered the Petitioner's challenge to the Iowa Controlled Substance Act ("CSA") pursuant to the Federal Religious Freedom Act, Free Exercise Clause and Equal Protection Clause in *Olsen v. Mukasey,* 541 F.3d 827 (8th Cir. 2008). The Court found, in part, that the Petitioner's claims were barred based on collateral estoppel and that the Iowa CSA was a neutral law of general applicability. *Olsen v. Mukasey,* 541 F.3d at 832. In 2009, a United States District Court affirmed the dismissal of Olsen's federal petition to reschedule marijuana with the DEA in *Olsen v. Holder,* 610 F.Supp.2d 985 (S.D. Iowa 2009).

In 2024, Iowa enacted the IRFRA, which is codified in Chapter 675 of the Iowa Code. Iowa Code § 675.4 contains the substantive language of the act.

> 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.
>
> Iowa Code § 675.4

Summary judgment issues

In the cross motions for summary judgment, there are several issues raised: 1) whether the Petitioner has standing to make this claim; 2) whether issue preclusion bars

these claims under the United States and Iowa constitutions; 3) whether the State has a compelling interest in prohibiting the religious use of cannabis; 4) whether the prohibition is the least restrictive means to achieve the State's compelling interest; 5) the Petitioner's religious use is not comparable to other exemptions.

Standing

The State argues the Petitioner does not have standing to raise his claim. It is well established that a party must have a specific personal or legal interest in the litigation and be injuriously affected. *LS Power Midcontinent, LLC v. State,* 988 N.W.2d 316 (Iowa 2023). The State argues that the Petitioner's injury is no different to anyone else in the general population and that he has not been injuriously affected. The Petitioner counters that he is a member of a recognized religion, the Ethiopian Zion Coptic Church, that uses cannabis as a sacrament. *See Town v. State ex rel. Reno,* 377 So.2d 648 (Florida 1979). The court finds that Petitioner's specific membership in this religious order does provide some specific personal or legal interest in the litigation and that he has demonstrated that his particular exercise of religion is injuriously affected. The court therefore concludes the Petitioner has demonstrated he has standing to raise this claim.

Issue Preclusion

Collateral estoppel may be invoked if four prerequisites are met: (1) the issue concluded must be identical; (2) the issue must have been raised and litigated in the prior action; (3) the issue must have been material and relevant to the disposition of the prior action; and (4) the determination made of the issue in the prior action must have been necessary and essential to the resulting judgment. *Comes v. Microsoft Corp*., 709 N.W.2d

114, 118 (Iowa 2006). Issue preclusion applies to legal and factual issues. *Barker v. Iowa Department of Public Safety,* 922 N.W.2d 581, 587 (Iowa 2019), *citing Grant v. Iowa Department of Human Services,* 722 N.W.2d 169, 174 (Iowa 2006).

In *Olsen v. Drug Enforcement Admin.*, the Court considered the Petitioner's pursuit of a religious-use exemption from federal laws proscribing marijuana pursuant to the United States Constitution. As part of that analysis, the federal court determined whether the government could show its actions served a compelling state interest. In that case, the Petitioner conceded the government did have a compelling interest in the regulation of controlled substances. *Olsen v. Drug Enforcement Admin.*, 878 F.2d at 1462.

The Petitioner has cited *Olsen v. Mukasey*, 541 F.3d 827 (8th Cir. 2008) in his briefing on a prior motion. In *Olsen v. Mukasey*, the Petitioner filed a federal RFRA action, requesting an order enjoining officials from enforcing federal and Iowa controlled substances act against his sacramental use of marijuana. In that case, the federal district court dismissed the Petitioner's claims based on collateral estoppel. The court found the explicit purpose of the federal RFRA was to "restore the compelling interest test". *Olsen v. Mukasey*, 541 F.3d at 831. The court found that this was the same standard the Petitioner unsuccessfully raised in other proceedings and found his claims were barred by collateral estoppel.

The IRFRA also provides a specific definition of "compelling governmental interests" as a governmental interest of the highest order that cannot otherwise be achieved without burdening the exercise of religion". Iowa Code § 675.3(1).

As noted by both parties' briefings, the Petitioner has exhaustively litigated this specific issue on multiple occasions against several government entities, including the

State of Iowa, basing his same claims on the federal and state constitutions as well as the federal RFRA. Issue preclusion therefore applies.

As far as any of the Petitioner's claims in this litigation that rely on the United States and/or Iowa Constitutional claims or on the federal RFRA, they are all estopped as they have been fully litigated before as noted above. As the prior cases involving the Petitioner demonstrate, these issues are identical, they were raised and litigated in the prior action, they were material and relevant to the disposition of the prior action; and the determination made of the issue in the prior action were necessary and essential to the resulting judgment.

The court acknowledges that the IRFRA mirrors the federal act and contains the identical "compelling governmental interest" requirement. The Iowa courts have not yet had to consider what is a "compelling governmental interest" as dictated by the relatively new IRFRA. "Federal law does not necessarily control our interpretation of a state statute." *Goodpaster v. Schwan's Home Serv., Inc.*, 849 N.W.2d 1, 9 (Iowa 2014). As the IRFRA has not yet been reviewed and considered by Iowa appellate courts, this court finds that arguments regarding how to interpret the IRFRA in Chapter 675 are not estopped by issue preclusion.

Compelling interest

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 under the IRFRA.

There are no controlling authorities on the IRFRA regarding the issues posed in this case. There are some cases wherein Iowa and federal courts have ruled on similar issues under the United States and Iowa constitutions, as well as the federal RFRA.

In 1982, the Iowa Supreme Court found the State did have a "compelling state interest" pursuant to the free exercise clause. *State v. Olsen,* 315 N.W.2d at 9.

The State argues the government has an interest in protecting public health and safety, preventing diversion, and maintaining the integrity of its drug control system. They argue that granting the Petitioner an exemption would invite a "flood" of exemption claims, creating a slippery slope from the impact of unregulated controlled substance use. The State cites *U.S. v. Middleton,* 690 F.2d 820 (11th Cir. 1982) in support, wherein a court found that allowing members of the Ethiopian Zion Coptic Church to possess marijuana freely would harm the government's compelling interest in protecting the public from drugs it determines to be dangerous. *Middleton*, 690 F.2d at 825.

The Petitioner argues the prior cases are outdated as attitudes have changed regarding marijuana. He points to the enactment of Iowa Code Chapter 124E in 2020, which allowed some medical use of cannabidiol.

The United States Supreme Court, in reviewing whether a temporary injunction should have been granted on a similar allegation of a federal RFRA violation, addressed a lack of evidence submitted by the government in support of its arguments of a compelling interest.

> The Government argues unpersuasively that it has a compelling interest in complying with the 1971 U.N. Convention. While this Court does not agree with the District Court that the Convention does not cover hoasca, that does not automatically mean that the Government has demonstrated a

> compelling interest in applying the Controlled Substances Act, which implements the Convention, to the UDV's sacramental use. At this stage, it suffices that the Government did not submit any evidence addressing the international consequences of granting the UDV an exemption, but simply relied on two affidavits by State Department officials attesting to the general (and undoubted) importance of honoring international obligations and maintaining the United States' leadership in the international war on drugs. Under RFRA, invocation of such general interests, standing alone, is not enough. Pp. 1224–1225.

Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418, 422, 126 S. Ct. 1211, 1215, 163 L. Ed. 2d 1017 (2006)

In this case, neither side has filed a statement of either undisputed or disputed facts. For this court to decide whether there is a compelling government interest, the moving party has the burden of affirmatively establishing the absence of genuine issues of material fact. The State, in their brief and cross motion, argue in a foot note, that these issues are purely legal based upon undisputed facts. But in this case, the Petitioner cites in his brief alleged facts in support of his position of a lack of compelling governmental interest, and several of these cited facts are allegedly to establish a change on how Iowa and other jurisdictions have regulated cannabis in recent years.

The court finds 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. As neither party has established these facts, the court denies both cross motions on this issue.

Least Restrictive Means

Under the IRFRA, the State must use the least restrictive means of furthering that compelling governmental interest.

At this procedural posture, the court has made no determination whether there is a compelling governmental interest. Further, this court needs facts in support of either motion on this issue. The Petitioner claims there are less restrictive means, generally, but cites no facts or other argument in his briefing on summary judgment, other than a conclusory statement that the State has not used the least restrictive means. In his second supplemental brief resisting a prior motion to dismiss (D0013), he does argue there are less restrictive ways of furthering the government's interests. It is puzzling to this court why the Petitioner did not renew this argument on the motions for summary judgment. Even so, there are no undisputed facts clearly cited in support of the Petitioner's arguments on this issue.

The State argues that other courts have found it impractical to carve out an exemption for the Petitioner. But just like the compelling interests argument, facts must be addressed for the court to make a conclusion on this issue. The court therefore denies both motions on this issue.

Religious use compared to other exemptions

The parties disagree whether the Petitioner's religious use is comparable to other exemptions as recognized by the State. Both assert different facts in support of their positions without indication of whether they are disputed. As it appears there are disputed facts on both sides, the court denies the motions on this issue.

Conclusion

The Court therefore GRANTS the State's motion for summary judgment in part regarding any arguments made by the Petitioner which are based on violations of the United States and/or Iowa constitutions or in violation of the Federal Religious Freedom Restoration Act as they are estopped by issue preclusion.

The Court DENIES the State's motion for summary judgment in part on the issues of standing, issue preclusion regarding arguments on the Iowa Religious Freedom Restoration Act, and on the substantive issues.

The Court DENIES the Petitioner's motion for summary judgment.

SO ORDERED.

State of Iowa Courts

Case Number	**Case Title**
CVCV068508	CARL OLSEN VS STATE OF IOWA
Type:	OTHER ORDER

So Ordered

Celene Gogerty, District Judge
Fifth Judicial District of Iowa

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