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IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL OLSEN, Petitioner, vs. **STATE OF IOWA,** Respondent.	**Case No. CVCV068508** **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

On August 10, 2026, trial was held on a petition to enjoin enforcement of religious use of cannabis under Iowa Code Chapter 675. The Petitioner appeared in person and was self-represented. The State of Iowa ("the State") appeared by Assistant Attorney General Jefffrey Peterzalek. After consideration of the evidence and the positions of the parties, the court makes the following order.

I: ALLEGATIONS OF THE PETITION

The Petitioner asks the court to enjoin the State from interfering with the religious use of cannabis pursuant to the Iowa Religious Freedom Restoration Act ("RFRA") in Iowa Code Chapter 675. He alleges that the State substantially burdened his exercise of religion, and the State cannot demonstrate a compelling governmental interest by the least restrictive means of furthering that compelling governmental interest. He further asserts that as the State authorizes religious use of a controlled substance by Iowa Code Chapter 124, authorizes the use of secular use of cannabis by Iowa Code Chapter 124E inconsistent with federal drug law, and authorizes delta-9 THC by Iowa Code Chapter 204, the court should enjoin the State from interfering with the Petitioner's constitutionally protected activity of cannabis use. The State resists.

II. FINDINGS OF FACTS AND RELEVANT PROCEDURAL HISTORY

The Petitioner has been attempting to legalize his use of cannabis for decades. In 1978, the Petitioner was charged with Possession of a Controlled Substance with Intent to Deliver, after marijuana was found on his person on a traffic stop in Jasper County, *State v. Olsen,* 315 N.W.2d 1, 3-4 (Iowa 1982). The Petitioner argued on appeal that he was entitled to a jury instruction regarding the religious use of marijuana. *Id.* at 7-8. The Petitioner testified in that case he was a priest in the Ethiopian Zioncoptic Church and a member for three years and that the church's only sacrament was smoking marijuana. *Id.* at 7. It appears the Petitioner was convicted of this offense and sentenced to prison. The court only considers this criminal case for purposes of establishing the Petitioner's religious beliefs regarding marijuana and not for any other purpose.

While incarcerated, the Petitioner filed a petition for habeas corpus, alleging it was an Equal Protection violation that only members of the Native American Church for peyote use were exempted for controlled substance laws. *Olsen v. State of Iowa,* 808 F.2d 652 (8th Cir. 1986). He was unsuccessful.

In *Olsen v. Drug Enforcement Admin.,* the Court considered the Petitioner's pursuit of a religious-use exemption from federal laws proscribing marijuana. *Olsen v. Drug Enforcement Admin.,* 878 F.2d 1458 (D.C. Cir. 1989), 495 U.S. 906, and *cert. denied*, 110 S.Ct. 1926 (Mem), 109 LL.Ed.2d 290 (1990). The Petitioner testified that he stopped using cannabis for religious purposes when the United States Supreme Court rejected his appeal in 1990.

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. *Olsen v. Mukasey,* 541 F.3d 827 (8th Cir. 2008). In that

case, the federal district court dismissed the Petitioner's claims based on collateral estoppel.

In *Olsen v. Holder,* the Petitioner sought a declaration that the scheduling of marijuana as a Schedule I controlled substance was unlawful. *Olsen v. Holder,* 610 F.Supp.2d 985 (S.D. Iowa 2009). The Petitioner later attempted to obtain another declaratory judgment, requesting the court to rule as a matter of law that marijuana no longer met the statutory criteria for inclusion in Schedule I. *Olsen v. State,* 829 N.W.2d 192 (Table), 2013 WL 541636 (Iowa Ct. App. 2013). He was unsuccessful in both cases.

In *Olsen v. Iowa Board of Pharmacy,* the Petitioner, through a judicial review action, unsuccessfully challenged an Iowa Board of Pharmacy decision that rejected his petition to recommend to the state legislature that marijuana be removed from Schedule I of the controlled substances. *Olsen v. Iowa Board of Pharmacy,* 884 N.W.2d 224 (Table), 2016 WL 2458545 (Iowa Ct. App. 2016). He filed a similar unsuccessful action in 2014. *Olsen v. Iowa Board of Pharmacy,* 908 N.W.2d 539 (Table), 2017 WL 3283296 (Iowa Ct. App. 2017).

The Petitioner testified in this case that he believes cannabis has spiritual qualities and it has a profound effect upon him. He asserted that there are numerous references in the King James Bible that be believes are references to marijuana. He testified that his religious beliefs are not related to the Ethiopian Zioncoptic Church and his claims are not based any such membership of the church. He joined this church as it supported his religious beliefs, which is that the use of marijuana in communion is a sacrament which would be exercised daily. He testified that cannabis is the bottomless cup that Christ shared with his disciples. He further testified that as part of his religious beliefs, cannabis

could be smoked, vaporized, used in teas and extracts, eaten, and for "industrial materials" and that the only limit on use should be self-imposed for religious purposes.

He believes his religious beliefs support a finding that it should be legal for him to buy his own seeds and grow marijuana for his own personal use. He also believes there should be no limitation on the quantity he could possess and cultivate and that he should be allowed to use and grow as much marijuana as he wants, whenever he wants.

The Petitioner testified that he has an application pending under the federal RFRA that requires he obtain relief under state law to get approved.

The Petitioner called Owen Parker, who is the Iowa Department of Health and Human Services Bureau Chief for cannabis regulation. Parker, as bureau chief, set the strategy for implementation and enforcement for marijuana related programs. Parker also hosts the Medical Cannabidiol Board ("the Board") meetings, to which the Petitioner regularly attends and requests obtaining a federal exemption for Iowa's medical marijuana program from necessary federal agencies. Parker testified the Board has adopted his request. Parker testified that cannabis contains delta-9 THC ("THC"), which is the primary psychoactive component of the marijuana plant and that the only difference between "marijuana" and "hemp" is the amount of THC. Iowa Code § 204.2(8), in its definition of "hemp" points to Iowa Code § 204A.2, which adopts the definition in 7 C.F.R. §990.1. 7 C.F.R. §990.1 defines "hemp" as "[t]he plant species Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta–9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis". In contrast, "marijuana", according to the federal statute, means all parts of the plaint Cannabis sativa L, but excludes hemp, and otherwise defines it as "all

cannabis that tests as having a THC concentration level of higher than 0.3 percent on a dry weight basis", which is generally consistent with the marijuana definition in Iowa Code §124.204(4)(u). 7 C.F.R. § 990.1.

Parker, on behalf of the Board, submitted an annual report to the Iowa legislature in 2025. Ex. AA. The Board, consisting of various medical professionals and a law enforcement officer, was established upon enactment of Iowa Code Chapter 124E in 2017. The Board addresses issues with the Iowa medical marijuana program. According to the 2025 report, a subcommittee of the Board reviewed current medical literature to evaluate the safety and efficacy of vaporized dried or raw cannabis for the treatment of qualifying medical conditions. Finding a lack of evidence-based literature to support dried, raw cannabis in a vaporized form of medical treatment, they recommended to affirm the Board's prior opposition to the use of dried, raw cannabis for medical treatment. They further concluded that dried, raw cannabis provided for vaporization can be readily diverted to be smoked as prohibited by Iowa law. The Board adopted that recommendation.

In the 2025 report, the board included an abstract of a study of the effects of cannabis smoking on the respiratory system. That study found that the health consequences of cannabis smoking "have been underestimated and undervalued" and the "unequivocal evidence established that cannabis smoking is harmful to the respiratory system". Ex AA at 29. Parker testified that he also believed there was high potential for diversion and for recreational use, including by children.

Susan Sher also testified. She is the bureau chief of the Iowa Office of Drug Control Policy ("IODCP"), which was established to coordinate and monitor substance abuse issues in Iowa. The IODCP addresses prevention, treatment, and enforcement.

Sher has been with the office for almost nineteen years, and bureau chief for nearly three years. As part of her duties, she tracks a large amount of data on drugs, administers grants, makes policy suggestions to the Iowa Department of Public Safety ("DPS"), and authors an annual report. The 2026 report was admitted. Ex. A.

The 2026 report addressed many issues involving marijuana. In 2025, 40.2% of Iowans who were admitted to substance abuse treatment reported that they used marijuana in the last thirty days. Ex. A at 15. Sher testified that marijuana is the number one substance reported by juveniles in substance abuse treatment and that recent information on the effects of marijuana on young people has led to an increase of psychosis and uncontrolled vomiting. Sher testified that marijuana is an intoxicating and addictive substance.

There is also concern with the increase in potency of marijuana and how more potent marijuana may affect users, especially children. "THC levels for marijuana in the U.S. averaged less than 1% in 1972, compared to over 16% in 2022. New marijuana concentrates including hash oils, waxes, and marijuana-infused edibles may contain THC levels in excess of 95%." Ex. A at 24.

In 2025, most suspected drug-impaired Iowa drivers involved the use of cannabis. Ex. A at 17. Since 2019, visits to Iowa emergency departments due to marijuana misusage have increased every year and marijuana misuse admissions his more three times higher than the misuse of other drugs. Ex. A at 18. Sher testified that when a driver is stopped for impaired driving because of ingesting marijuana, there would be no way to distinguish between recreational and religious use. When a person drives while impaired by marijuana, they place the public in danger. The Petitioner, in his testimony, admitted that the state does have an interest in keeping impaired drivers off the road.

Sher testified that there are real impacts when marijuana is legalized. A study of Colorado in 2020 found that for every dollar in tax revenue related to marijuana, $4.50 was spent mitigating the negative effects, including decreased workplace productivity, school dropout rates, and substance abuse treatment. Sher testified that in neighboring states that have legalized the recreational use of marijuana, there is an "across the board" increase in youth use of marijuana.

The 2026 report also raises concerns with the correlation between child abuse and parental substance abuse. Over 80% of confirmed child abuse cases connected to substance abuse in some manner. Ex. A at 19. The Petitioner also admitted that the state does have an interest in preventing child abuse.

Sher testified that an unregulated exception for the religious use of marijuana would be concerning. Specifically, she testified that it would be very difficult enforcing Iowa's law regarding possession of controlled substances, there would be increased access to youths, and that it would be diverted for nonreligious purposes. She testified that there is not a practical way of carving out a religious exception and allowing an unlimited amount of marijuana for religious purposes would be difficult to regulate.

Sher pointed to the evolution of consumable hemp laws in Iowa to demonstrate the difficulties of this issue. In 2019, a consumable hemp law was enacted which allowed for products containing THC to be sold. Sher testified this led to unintended consequences, as very potent THC products came into the market without age restrictions and THC limits. After the consumable hemp law went into effect, DPS purchased legal consumable hemp products, including a candy bar with 150 mg of THC, gummy "nerds" candy with more than 50 mg of THC, and beverages containing up to 15 mg of THC, which Sher testified were very potent products.

In 2024, legislation was enacted which put limitations into place regarding consumable hemp, including age limits. Sher testified that after the 2024 legislation went into effect, there was an immediate decrease in calls for assistance regarding exposure to marijuana edibles. Sher testified that based on the consumable hemp experience, she would expect that an unregulated religious use of marijuana would result in increased emergency room visits and calls to poison control, especially as it relates to children's use of marijuana.

The Iowa Office of Drug Control Policy's number one priority is to prevent substance abuse and its related dangers. Ex. A at 5. Sher testified that reducing substance abuse would result in decreased treatment and enforcement and would protect children from physical and psychological harm from others. The Petitioner also admitted that the state does have an interest in preventing child abuse. Ex. A at 7.

Bryant Strauss, an assistant director for the Iowa Division of Narcotics Enforcement ("DNE"), under DPS, also testified. His duties are to oversee management of the DNE and to enforce Iowa's drug laws. Strauss has twenty-five years of experience in law enforcement, most of that being in narcotics enforcement. Strauss has been personally involved in hundreds of cases involving marijuana and the division has been involved in thousands.

Strauss testified that he has been involved in the execution of search warrants in family homes many times. There are often children present in those homes where narcotics are found. He testified there is a strong correlation between drug investigations, child abuse and neglect, and deplorable living conditions.

He has major concerns about a religious exception for marijuana. He testified that it would be impractical in distinguishing between religious and illicit use, that there would

be diversion of marijuana, increased drug abuse and associated crimes, and a likely increase of child abuse and neglect. He further testified he did not think it was possible to monitor religious use. He described it as a “Pandora’s box”.

III. CONCLUSIONS OF LAW

The RFRA is found in Iowa Code Chapter 675. According to the statute, the intent of the chapter is to restore the compelling governmental interest test and to guarantee its application to all cases where the free exercise of religion is substantially burdened by state action and to provide a claim or defense to a person whose exercise of religion is substantially burdened by state action. Iowa Code § 675.2.

A “compelling governmental interest” means a governmental interest of the highest order that cannot otherwise be achieved without burdening the exercise of religion. Iowa Code § 675.3(1). The “exercise of religion” means the practice or observance of religion and includes, but is not limited to, the ability to act or refuse to act in a manner substantially motivated by one’ sincerely held religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief. Iowa Code § 675.3(2). “Substantially burden” means any action that directly or indirectly constrains, inhibits, curtails, or denies the exercise of religion by any person or compels any action contrary to a person’s exercise of religion and includes, but is not limited to, withholding of benefits; assessment of criminal, civil, or administrative penalties; or exclusion from governmental programs or access to governmental facilities. Iowa Code § 675.3(5).

The State cannot substantially burden a person’s free exercise of religion, unless the State demonstrates that applying such a burden is in furtherance of a compelling

governmental interest and is the least restrictive means of furthering that compelling governmental interest.

Sincerely held religious belief

The Petitioner asserts his desire to consume marijuana results from his sincerely held religious belief. The State argues it does not.

The State cites *Winters v. State,* 549 N.W.2d 819 (Iowa 1996) initially in support of their position. In *Winters,* a prison inmate who refused to share a cell with a black inmate and was disciplined, asserted the federal RFRA applied to his postconviction application. In that case, the Iowa Supreme Court affirmed a trial court's ruling that to determine whether Winter's religious beliefs were burdened, the court had to understand what those beliefs were. *Winters* at 821. They further found that Winter's description of his beliefs was "entirely conclusory" based on the result that he sought to obtain and were lacking in sufficient detail to "illuminate what the tenets of the religion in fact were. *Winters* at 820-821.

The State also cites *Ochs v. Thalacker,* 90 F.3d 293 (8th Cir. 1996) in support of their position. In *Ochs,* a prison inmate filed a § 1983 action, claiming, in part, a federal RFRA violation when prison officials refused to honor his request to be housed with persons of his own race. The court, in dicta, noted they were skeptical of Ochs' request to be racially segregated and noted that purely secular views or personal preferences will not support such a claim. *Ochs* at 296.

In this case, the Petitioner's religious claims have changed over the years. In times past, he claimed the use of marijuana was due to his membership in the Ethiopian Zioncoptic Church and that the church's only sacrament was smoking marijuana. During

this trial, he testified that his religious beliefs are not related to the Ethiopian Zioncoptic Church and his claims are not based any such membership of the church. The State, in their final brief, questions whether the use of cannabis is truly a sincere religious belief based on some of the Petitioner's shifting explanations over the years for the basis of his beliefs.

The Petitioner testified about numerous references in the Christian Bible which he asserted were allusions to marijuana use. Considering the Petitioner's long-standing arguments of a religious belief involving the use of marijuana as a sacrament, the court finds the Petitioner has met his burden to establish a sincere religious belief as required by the statute.

Substantial burden

The Petitioner argues his free exercise of religion has been substantially burdened by state statutes that outlaw the possession and use of marijuana, primarily in Iowa Code Chapter 124. The State argues that the Petitioner is free to go to neighboring states to engage in his religious practices and can also utilize products that legally contain THC.

First, the court does not find the argument that the Petitioner could travel out of state to consume cannabis products persuasive. This would mean the Petitioner would have to travel hundreds of miles to use cannabis, which this court finds burdensome.

However, it is undisputed that Iowa has legalized consumable hemp in Iowa Code Chapter 204. Iowa Code Chapter 204 allows Iowans to purchase a variety of products that contain THC. The Petitioner testified that his religious beliefs allowed him to ingest cannabis products through all sorts of means. It was also undisputed that the only difference between consumable hemp and marijuana is the amount of THC. The Petitioner did not provide evidence that his religious beliefs required a certain amount of

THC for his sacrament. Thus, a marijuana product containing THC is readily available for the Petitioner to purchase and consume as he wishes. Under these specific circumstances, the State has allowed the Petitioner access to cannabis products containing THC through Chapter 204. As such, the Petitioner has not met his burden of showing that his religious use of cannabis is substantially burdened by the enforcement of Iowa Code Chapter 124.

For the purpose of further review, the court, however, will analyze the rest of the claim.

Compelling government interest

The Petitioner asserts there is no state interest that arises to the level of "compelling". He asserts that the state has put forth general statements about the broader dangers of controlled substances and cites *Gonzales v. O Centro Espirita Beneficente Uniao Do Vegetal et al,* 126 S.Ct. 1211 (2006) in support. The Court noted in *O Centro* that in a preliminary hearing on a federal RFRA challenge, the Government made a "mere invocation of the general characteristics of Schedule I substances", which they found "cannot carry the day". *O Centro* at 1214. Unlike *O Centro,* the State has submitted specific and evidence-based information to support their claims of compelling state interests in this case.

The State cites three state interests they assert are compelling: 1) citizens' health; 2) citizens' welfare, including children; and 3) public safety.

Citizens' health

There was ample, specific evidence regarding the high potential of diversion of marijuana for recreational use, including to children, and resulting health impacts on Iowa citizens. Cannabis smoke is associated with chronic lung disease including cancer.

Marijuana is highly sought after by juveniles. Children, who have significant enough problems with addiction wherein they are admitted to substance abuse treatment, overwhelming report the recent use of marijuana. Adults admitted to treatment also report high rates of marijuana usage. There have been increases in psychosis and uncontrolled vomiting because of marijuana consumption and emergency room visits for issues related to marijuana usage has nearly doubled in the last ten years. The Iowa courts have previously held that protecting a child from harm is a compelling state interest. *In Interest of D.J.R.,* 454 N.W.2d 838, 845 (Iowa 1990).

Considering the specific evidence submitted regarding the real and significant negative impacts on the health of Iowans (and specifically Iowa children) by marijuana, the court finds the State has established a compelling state interest in the health of Iowans.

Citizens' welfare

There were multiple witnesses who testified that a vast majority of confirmed child abuse cases connect with substance abuse. Many homes searched for controlled substances have children present, often living in deplorable conditions. The Petitioner also admitted that the state does have an interest in preventing child abuse.

There was testimony that there are real impacts of society's welfare when marijuana is legalized. A study of Colorado in 2020 found that for every dollar in tax revenue related to marijuana, $4.50 were spent mitigating the negative effects, including decreased workplace productivity, school dropout rates, and substance abuse treatment. Sher testified that in neighboring states that have legalized the recreational use of marijuana, there is an "across the board" increase in youth use of marijuana.

The court finds the State has established a compelling state interest in the welfare of Iowans.

Public Safety

Last year, most suspected drug-impaired Iowa drivers were under the influence of marijuana. Impaired driving places the public in danger of death or bodily injury. The Petitioner admitted in his testimony that the State does have an interest in avoiding impaired driving. As there was unrebutted testimony that unrestricted religious marijuana could easily be diverted to recreational use, the concern for impaired drivers is not exaggerated and it is serious. The Iowa Supreme Court has held that public safety, including preventing death and physical injury, is a compelling state interest. *State v. Mahana,* 36 N.W.3d 706, 722 (Iowa 2026). The Court has also specifically found that "…the State's interest in regulating drug-impaired driving is compelling". *State v. Newton,* 929 N.W.2d 250, 258 (Iowa 2019).

The court therefore finds the State has established a compelling state interest in public safety.

Least restrictive means

The Petitioner argues that the State has not used the least restrictive means of obtaining their interests and that a tailored injunction that allows him individually to grow and consume marijuana is justified.

The State has countered that there is no less restrictive way to carve out an exception for the Petitioner. The uncontradicted evidence established that there is no way to distinguish between religious and non-religious use.

Further, the court finds that the Petitioner has access to consumable hemp under the dictates of Iowa Code Chapter 204. Consumable hemp would provide the Petitioner

marijuana products with lesser amounts of THC. This exception keeps stronger marijuana products from being diverted for abusive use and out of children's hands.

The court finds, based on the record presented, the State has established that they are employing the least restrictive means of furthering their compelling governmental interests.

IV. ORDER

The court therefore finds the State has proven that they have not substantially burdened the Petitioner's exercise of religion. Further, the State has demonstrated that, even if there was a substantial burden, that burden to the Petitioner's exercise of religion is in furtherance of compelling governmental interests and is the least restrictive means of furthering their compelling governmental interests.

It is therefore the ORDER of the court that the Petition is denied. Costs are assessed to the Petitioner.

SO ORDERED.

State of Iowa Courts

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

So Ordered

Celene Gogerty, District Judge
Fifth Judicial District of Iowa

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