

S.F. _____ H.F. _____

SENATE/HOUSE FILE _____
BY (PROPOSED RELIGIOUS
FREEDOM BILL)

A BILL FOR

An Act relating to religious exceptions for controlled substances including effective date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. PURPOSE.

- (a) Iowa Code Chapter 124, protecting the religious use of peyote by the Native American Church, § 124.204(8), could be interpreted by the courts as a violation of Iowa Constitution, article 1, section 3 prohibiting the establishment of a religion and a violation of Iowa Constitution, article 1, section 6 prohibiting grants of privilege or immunity.
- (b) The Controlled Substances Act (CSA) of 1970 provides protection for use of controlled substances that fall outside the context of the CSA, 21 U.S.C. § 822(d) (consistent with "public health and safety"). The federal regulation for the religious use of peyote by the Native American Church is authorized by the CSA, 21 U.S.C. § 822(d), and protected by federal regulation, 21 C.F.R. § 1307.31, avoiding any question of constitutionality.
- (c) This bill removes the religious use of peyote from Chapter 124 and adds the same protection by regulation. The Iowa Department of Inspections, Appeals, and Licensing shall adopt rules for

exceptions to Chapter 124 (consistent with "public health and safety").

- (d) Because the statutory exception for religious use of peyote has never been shown to be harmful it is consistent with "public health and safety". 42 U.S.C. § 1996a(b)(1) requires all 50 states to make an exception for the religious use of peyote by the Native American Church. The Uniform Controlled Substance Act (UCSA) recommends states, "consider including in Schedule I an exception similar to that found in 21 C.F.R. § 1307.31". The Iowa Department of Inspections, Appeals, and Licensing shall grandfather this exception by emergency rulemaking and a transition period will fill any gap in protection while permanent rules are being adopted.

Sec 2. Section 124.204, subsection 4, paragraph p, Code 2025, is amended by striking the paragraph and inserting in lieu thereof the following:

p. Peyote. Meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or extracts.

Sec. 3. Section 124.204, subsection 8, Code 2025, is amended by striking the paragraph and inserting in lieu thereof the following:

Religious use. Nothing in this chapter shall apply to the religious use of plants and fungi that is consistent with public health and safety; however, persons supplying these products for religious use shall register,

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maintain appropriate records of receipts and disbursements of peyote, and otherwise comply with all applicable requirements of the Controlled Substances Act of 1970, 21 U.S.C. § 801 et seq., this chapter, and rules adopted pursuant thereto.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.