

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p><b>CARL OLSEN,</b> Petitioner,</p> <p>v.</p> <p>IOWA DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING, Respondent.</p>	<p>Case No. CVCV066477</p> <p><b>NOTICE OF SUPPLEMENTAL AUTHORITY</b>, ICR, Chapter 5, Rule 5.201</p> <p><b>MOTION FOR JUDICIAL NOTICE</b>, ICR, Chapter 1, Rule 1.415</p>
--	--

Petitioner, Carl Olsen, pursuant to Iowa Court Rules (ICR), Chapter 1, Rule 1.415 and Chapter 5, Rule 5.201, submits the following.

**Iowa Religious Freedom Restoration Act**

On April 2, 2024, the Governor of Iowa approved SF 2095, the Iowa “Religious Freedom Restoration Act” (“Iowa RFRA” hereinafter). Iowa RFRA became effective upon enactment, SF. 2095, Section 7, and applies to all state laws and the implementation of state laws, whether statutory or otherwise, and whether adopted before, on, or after the effective date of the Act, SF 2095, Section 8.

In the final decision of the department currently under judicial review in this action, the department stated, “... the Legislature must take specific action to grant the Board rulemaking authority related to religious exceptions to the Iowa Uniform Controlled Substances Act.” The petitioner disputes this assertion, because the legislature took specific action creating a religious exemption in the Iowa Uniform Controlled Substances Act (“Iowa CSA” hereafter) in 1971, the legislature took specific action giving the department authority over the implementation of the Iowa CSA in 1971, and because the legislature took specific action authorizing the department to register religious activity under the Iowa CSA in 1971.

The Iowa RFRA provides additional explicit authority to the department to accept applications for religious exceptions, specifically as follows:

1. Iowa Code 675.2(1) (2024) mandates the application of the compelling interest test in all cases where religious freedom is substantially burdened by state action.
2. Iowa Code 675.2(2) (2024) explicitly authorizes the petitioner's claim.
3. Iowa Code 675.3(4) (2024) applies the Iowa RFRA specifically to the implementation of any law including administrative rules and regulations, before or after enactment.
4. Iowa Code 675.3(5) (2024) applies the Iowa RFRA to the Iowa CSA as the Iowa CSA substantially burdens the religious freedom of the petitioner.
5. Iowa Code 675.4(2) (2024) applies the Iowa RFRA to the petitioner's standing to assert a claim in an administrative proceeding.

Iowa RFRA waives sovereign immunity and authorizes damages. See *Burnett v. Smith*, 990 N.W.2d 289 (Iowa 2023) (explaining sovereign immunity and suits for damages). Use of the term "restoration" in the title of the act means it refers to the original intent of the legislature, not some new intent. The Iowa RFRA simply provides supplemental authority in support of those claims already made by the petitioner in this proceeding.

Wherefore, the petitioner prays the court take judicial notice and incorporate the Iowa RFRA into this action for administrative relief.

CARL OLSEN, Pro Se  
130 E Aurora Ave  
Des Moines, IA 50313-3654  
Telephone: 515-343-9933  
E-mail: carl@carl-olsen.com

By: /s/ Carl Olsen

All parties served via EDMS on April 8, 2024.