

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>MOTION FOR JUDICIAL NOTICE,</b> ICR, Chapter 1, Rule 1.415</p>
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Petitioner, Carl Olsen, pursuant to Iowa Court Rules (ICR), Chapter 1, Rule 1.415 and Chapter 5, Rule 5.201, submits the following.

The matter of the Respondent’s motion to correct or recast is set for hearing by the Court on May 10, 2024. Regarding the department’s motion:

In the final decision dated November 23, 2023, 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 department has broad authority to make recommendations to the legislature by directly filing legislation, Iowa Code § 2.16 Prefiling legislative bills. The board’s authority is more narrowly defined, § 124.201 Duty to recommend changes in schedules.

Wherefore, the petitioner prays the court take judicial notice of the previous five legislative bills filed under § 124.201, showing there is no distinction between the department and the board sharing the authority under § 124.201.

- 12/27/2023    Controlled Substances (5301DP)  
Inspections, Appeals, and Licensing, Department of  
(Attached as Exhibit 1)
- 01/09/2023    Controlled Substances (1196DP)  
Pharmacy, Board of
- 01/10/2022    Controlled Substances (5224DP)  
Pharmacy, Board of

01/18/2021 Controlled Substances (1328DP)  
Pharmacy, Board of

12/18/2019 Controlled Substances (5331DP)  
Pharmacy, Board of

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By: /s/ Carl Olsen

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All parties served via EDMS on April 26, 2024.