

April 10, 2024

Matthew J. Strait
Deputy Assistant Administrator, Regulatory
Diversion Control Division
U. S. Department of Justice
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, Virginia 22152

Re: RFRA Application

Dear Mr. Strait,

In reference to your letter of June 16, 2022 (attached hereto), I am updating you on the enactment of the Iowa Religious Freedom Restoration Act on April 2, 2024, Senate File 2095.

<https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=sf2095>

When I met with the Office of Diversion Control last year (see attached emails from the Des Moines Office of Diversion Control, March 20, 2023, and March 23, 2023), I said I was engaged with the State of Iowa in seeking a religious exemption for my use of cannabis as a sacrament.

I asked the state to create rules for religious exemptions last year and the department denied my request. I filed a petition for Judicial Review in Polk County District Court, which is currently pending. I am attaching my motion for Judicial Notice of the Iowa RFRA, April 8, 2024, to bring you up to date with the most recent activity in my RFRA application pending with the DEA.

Please acknowledge receipt of this update.

Thank you.

Carl Olsen
130 Northeast Aurora Ave
Des Moines, Iowa 50313-3654
Telephone: 515-343-9933
Email: carl@carl-olsen.com

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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

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.

Monday, December 30, 2024 at 13:56:10 Central Standard Time

Subject: Petition for Exemption from Controlled Substances Act
Date: Monday, March 20, 2023 at 4:29:30 PM Central Daylight Time
From: DesMoinesDiversionGroup
To: carl@carl-olsen.com

Good afternoon Mr. Olsen,

The Des Moines Resident Office of the Drug Enforcement Administration (DEA) has been asked by DEA Headquarters to contact you regarding your petition for a religious exemption from the Controlled Substances Act. In order to process your petition, we will need to gain more information from you, which will include some interviews and also an on-site visit by us to the proposed site of where you would be handling controlled substances.

To start, we would like to conduct an interview with you as soon as your availability provides, in order to gain further information from you regarding your petition. In general, we will be asking about the history of the organization, leadership and structure, membership, belief system and the role of controlled substances in that system, and protocols and practices that would be in place for the handling of controlled substances.

As far as the initial interview, we would like to invite you to come to our office located at 210 Walnut Street, STE 509, Des Moines. We have availability starting as early as this Wednesday, March 22, between the hours of 9:30am – 2:30pm. Should that not work for you, we are available much of any other day during this week or next. The interview should last no more than 90 minutes. Furthermore, the interview will be informal, and the purpose will be to gain as much detailed information as possible about your organization in order to further your petition for exemption. If you wish to be represented by counsel during the interview, or if you wish to have another person from your organization join you during the interview, that is certainly welcome.

You may respond to this email with your preference of when you would like to meet, or you may call (515) 339-7623 to schedule a time for an interview.

Thank you for your patience during the application process, and we look forward to speaking with you.

Sincerely,

Des Moines Diversion Group
Des Moines Resident Office

Monday, December 30, 2024 at 13:56:46 Central Standard Time

Subject: RE: DEA Petition for Exemption for Iowa Medical Cannabidiol Program
Date: Thursday, March 23, 2023 at 9:31:55 AM Central Daylight Time
From: DesMoinesDiversionGroup
To: Carl Olsen

Thank you for the info sir!

From: Carl Olsen <carl@carl-olsen.com>
Sent: Thursday, March 23, 2023 5:33 AM
To: DesMoinesDiversionGroup <DesMoinesDiversionGroup@dea.gov>; DesMoinesDiversionGroup <DesMoinesDiversionGroup@dea.gov>; Colin Murphy <ccmurphy@grllaw.com>
Subject: [EXTERNAL] DEA Petition for Exemption for Iowa Medical Cannabidiol Program

Larry,

We have never received a response to our second request for reconsideration on the petition that Colin and I filed on May 14, 2021.

FEDERAL EXEMPTION FOR THE IOWA MEDICAL CANNABIDIOL PROGRAM

1. Original Petition, January 28, 2019
2. State of Iowa Agrees to Petition DEA, September 4, 2020
3. DEA Denial of Original Petition, November 10, 2020
4. First Request for Reconsideration, December 16, 2020
5. DEA Answer to FOIA Request, February 21, 2021
6. DEA Denial of First Request for Reconsideration, April 27, 2021
7. Second Request for Reconsideration, May 14, 2021
8. Supplement to Second Request, June 2, 2021
9. Supplement to Second Request, March 27, 2022
10. Board Requests Assistance from Legislature, January 1, 2023
11. Senate File 69, January 12, 2023
12. Title 21 United States Code Section 822(d)

March 23, 2023

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