

Comment Report

SF 2095

A bill for an act relating to the exercise of religion, and including effective date and applicability provisions. Effective date: 04/02/2024.

Subcommittee Members: Schultz-CH, Salmon, Weiner

Date: 01/30/2024

Time: 01:30 PM

Location: Room G15

Name: Carl Olsen

Comment: The federal Religious Freedom Restoration Act (RFRA) was passed by Congress in 1993 and applied to both the federal government and the states. It was passed in response to a U.S. Supreme Court decision denying religious protection for a Schedule I controlled substance, peyote, because federal regulations included an exemption for religious use of peyote since 1966, and the state of Oregon did not allow it. I am mentioned frequently in that U.S. Supreme Court decision, *Employment Division v. Smith*, 494 U.S. 872 (1990), so I know quite a lot about it. My case was *Olsen v. DEA*, 878 F.2d 1458 (D.C. Cir. 1989). The United States Supreme Court struck the application of RFRA to the states in 1997, in *Boerne v. Flores*, 521 U.S. 507 (1997), and that is why Senate File 2095 has been introduced. States have been enacting these state versions of RFRA since 1997 when the Supreme Court struck it down as applied to the states. *Boerne v. Flores*, just as *Employment Division v. Smith*, protects state sovereignty, "states' rights" as it is sometime called, or "federalism." Of course, my case was about marijuana and not one state accepted the use of marijuana for anything until 1996 when California authorized home grown and group cultivation for medical use. A lot has changed since 1989 when I lost my case, and I'd like a second opportunity to bring that challenge again. SF 3095 would give me that opportunity. Iowa Code 124.204(8) is the Iowa exception for the religious use of peyote, and it was first adopted in Iowa in 1967, 1967 Acts, ch. 189, 2(12), Iowa Code 204A.2(12) (1968), immediate following the federal exception in 1966, Federal Register, Vol. 31, No. 54 Saturday, March 19, 1966, at page 4679. An exception for one church and one church alone for which no others can apply violates our state constitution. Iowa Const., art. 1, 1 (equality), 3 (religious neutrality), 6 (uniformity), 9 (due process), and 20 (redress). SF 2095 would cure that by providing due process, equality, religious neutrality, uniformity, and redress. Thank you!

Name: Amy Meyer

Comment: I support protecting the free exercise of religion of Iowans and this bill.