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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Noem Hit With Religious Discrimination Suit Over Ayahuasca

By **Sam Reisman**

Law360 (July 30, 2025, 4:52 PM EDT) -- A Florida woman alleges in a new federal discrimination lawsuit that U.S. Customs and Border Protection rescinded her job offer after she disclosed her religious practice includes consumption of ayahuasca tea, a federally controlled substance.

Juliana Reis filed her complaint in Florida federal court on Tuesday, alleging that when U.S. Department of Homeland Security officials learned she practiced the Uniao do Vegetal, or UDV, faith, they withdrew her employment offer in April 2021.

The lawsuit names Homeland Security Secretary Kristi Noem as a defendant, alleging that Reis received a final dispositive decision on her discrimination complaint from the U.S. Equal Employment Opportunity Commission in May of this year.

Reis alleges she is a Brazilian-American U.S. citizen who was born in Brazil and naturalized in 2009 and for the past 10 years has been a member of a "Christian Spiritist religion known as the Centro Espírita Beneficente União do Vegetal, or 'UDV,'" according to the complaint.

"Like the Native American Church in the U.S. which uses the psychotropic drug peyote for religious purposes, the UDV uses a tea called hoasca or ayahuasca, which contains a psychotropic drug, as a religious sacrament," the complaint said.

"Like the other members of the UDV, Ms. Reis participates in the sacramental use of ayahuasca when she attends UDV services," the complaint said. "When she drinks ayahuasca tea, she feels the effect of DMT, the active psychotropic ingredient, but she drinks it only for sacramental purposes."

Ayahuasca contains the psychedelic compound DMT, which is a Schedule I substance under the federal Controlled Substances Act, the tier for drugs with no medical use and a high likelihood of abuse, which subjects to the strictest federal drug enforcement.

UDV was the plaintiff in the landmark 2006 U.S. Supreme Court decision in *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, which established the applicability of the federal Religious Freedom Restoration Act, or RFRA, to controlled substances used in religious ceremonies.

In that case, which began when UDV sued federal law enforcers over the seizure of a shipment of ayahuasca, the high court ruled unanimously that the Controlled Substances Act is subject to the RFRA, and since then the U.S. Drug Enforcement Administration has established a process for churches to apply for religious exemptions for the use of controlled substances.

Reis alleges that she first applied for a job as a CBP officer in October 2018, and successfully

completed numerous pre hiring processes before submitting to a polygraph test in March 2021, at which "she disclosed her membership in the UDV and explained her religious use of ayahuasca."

According to the complaint, a CBP personnel officer told her that her disclosed use of a Schedule I substance disqualified her for the position and her tentative offer of employment was withdrawn in April 2021.

"DHS maintains a policy providing that anyone who uses a substance classified as a Schedule I drug under the Controlled Substances Act within the three years preceding the submission of an employment application is thereby disqualified from employment," the complaint said.

Reis alleges that she was discriminated against because of her religion and was not provided with reasonable religious accommodation, in violation of the Civil Rights Act. She also alleges violations of the Administrative Procedure Act and of her First Amendment right to free exercise of religion.

Reis is seeking a declaratory judgment that DHS violated the Civil Rights Act, APA and First Amendment; unspecified damages; equitable relief; plus fees and costs.

Brian J. Sutherland, an attorney representing Reis, told Law360 in an email, "The right to practice one's religion is not guaranteed only to those who adhere to common religions, but to all. Even so, the U.S. Supreme Court has already recognized and protected Ms. Reis's religious beliefs, and we look forward to vindicating her rights in court."

Through her counsel, Reis said, "I want to ensure that no one is forced to choose between practicing their religion and serving their country."

The CBP and DHS did not respond to requests for comment Wednesday.

Reis is represented by Gary Gilbert and Kevin L. Owen of Gilbert Employment Law PC and Brian J. Sutherland of Beal Sutherland Berlin & Brown LLC.

Counsel information for Noem was not immediately available Wednesday.

The case is Reis v. Noem, case number 9:25-cv-80943, in the U.S. District Court for the Southern District of Florida, West Palm Beach Division.

--Editing by Patrick Reagan.

Update: This story has been updated with comments from the plaintiff and her counsel.