

MEMORANDUM

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: SECOND VOTE ON ORDINANCE NO. 3162 DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

DATE: July 20, 2022

Background

At the previous City Council meeting the Council held the first vote on Ordinance No. 3162 Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products.

Ordinance No. 3162 refers to the voters at the next statewide general election a ban on Psilocybin Service Centers and Manufacture of Psilocybin Products. The ban would take effect 30 days after the general election if approved by voters.

In 2020, voters in Oregon approved Ballot Measure 109 which allows the manufacture and use psilocybin within the state. The ballot measure also authorizes cities to consider banning Psilocybin Service Centers and Manufacture of Psilocybin Products by referring the ban to the voters at a general election.

An additional item on the agenda, a Resolution Calling an Election on November 8, 2022 to Refer to the Voters an Ordinance Prohibiting Psilocybin Businesses within the City of Cottage Grove, Oregon and Adopting a Ballot Title and Explanatory Statement is on the agenda for the Council to consider if the City Council approves this Ordinance.

Recommendation

That the City Council hold the second vote on Ordinance No. 3162 Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products.

Cost

No Cost



Richard Meyers, City Manager

ORDINANCE NO. 3162

**AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS AND
THE MANUFACTURE OF PSILOCYBIN PRODUCTS**

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of July 7, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Cottage Grove is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the City; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the City Council for the City of Cottage Grove believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the City to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of City of Cottage Grove; and

WHEREAS, the City Council shall refer to the voters of Cottage Grove at the next general election the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Prohibition. The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Cottage Grove.

Section 2. Referral. This Ordinance is referred to the electors of the City of Cottage Grove for approval at the next statewide general election on November 8, 2022.

Section 3. Codification. Provisions of this Ordinance shall be incorporated into the City Code, and the words "ordinance" or "section" may be changed to "code," "article," "chapter," "division," or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any recital clause and boilerplate provisions of this Ordinance (i.e., Section Nos. 3 through 4) need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 4. Effective Date. This Ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

First Reading to the Council this ___ day of _____, 2022.

Second Reading to the Council this _____ day of _____, 2022.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS ___ DAY
OF _____, 2022.

Jeffrey D. Gowing, Mayor

Dated: _____

ATTEST:

Richard Meyers, City Manager

Dated: _____