

MEMORANDUM

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: 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.

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 and the City Council will be holding the second vote on the ordinance at this Council meeting.

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.

If the Council adopts Ordinance No. 3162, the attached 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 should be adopted. The resolution is needed to create the local election and establish the ballot title and explanatory statement for the referred ordinance.

Recommendation

That the City Council adopt the 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.

Cost

No Cost



Richard Meyers, City Manager

RESOLUTION NO. _____

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

WHEREAS, Ballot Measure 109, known as the Oregon Psilocybin Services Act, which passed in November 2020 and is now codified in ORS chapter 475A, requires the Oregon Health Authority (OHA) to begin accepting applications for licenses to manufacture, deliver, and administer psilocybin on January 2, 2023; and

WHEREAS, ORS 475A.718 provides that the governing body of a city may adopt ordinances to be referred to the electors of the city that prohibit the establishment of licensed psilocybin product manufacturers and licensed psilocybin service center operators within the City's jurisdiction; and

WHEREAS, by adoption of Ordinance ____, the City of Cottage Grove City Council (the City Council) voted to exercise its authority under ORS 475A.718 to prohibit psilocybin product manufacture and psilocybin service center operators within the City of Cottage Grove; and

WHEREAS, pursuant to ORS 475A.718, the Council wishes to refer Ordinance ____ to the voters and hereby adopts the appropriate ballot title and explanatory statement.

NOW, THEREFORE, BE IT RESOLVED by the City of Cottage Grove as follows:

Section 1. The City Council refers to the November 8, 2022 election a ballot measure proposing a prohibition on psilocybin product manufacturers and psilocybin service center operators within the City of Canyonville as adopted by Council via Ordinance No. ____, attached here as Exhibit A and incorporated herein by reference.

Section 2. The City Council adopts the following ballot title for referral:

BALLOT TITLE: Prohibits psilocybin-related businesses within the City of Cottage Grove.

QUESTION: Shall the City of Cottage Grove prohibit psilocybin-related businesses within the City?

SUMMARY: State law permits persons licensed, controlled and regulated by the State to legally manufacture psilocybin products and provide psilocybin services to persons 21 years of age and older. State law authorizes the governing bodies of cities and counties to adopt ordinances to be referred to the voters that prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators within the area subject to the city or counties jurisdiction. The City of

Cottage Grove is referring to the voters an ordinance prohibiting psilocybin manufacturers and psilocybin service center operators within the City.

Approval of this measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators with the area subject to the City of Cottage Grove's jurisdiction.

Section 3. The City Council orders this City election to be held in the City of Cottage Grove, Oregon, concurrently with the general election, on November 8, 2022, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes. The ballots shall be counted and tabulated and the results certified as provided by law.

Section 4. The election shall be conducted by Lane County. The County Clerk for Lane County is hereby instructed to prepare ballots and to take other actions necessary to conduct the election.

Section 5. If a majority of the legal voters of the City voting on this measure approve this measure, Ordinance ____ will take effect 30 days from the date approved by the voters.

Section 6. The explanatory statement for this measure, attached as Exhibit B to this Resolution, is hereby approved by the Council.

Section 7. This Resolution, including the proposed ballot title and explanatory statement shall be delivered to the City Recorder on the date of its adoption.

Section 8. The City Recorder shall give notice of this measure as required by law and take such other actions and otherwise proceed with the election as provided by law.

Section 9. This Resolution shall become effective immediately upon its adoption.

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

Jeffrey D. Gowing, Mayor

Dated: _____

ATTEST:

Richard Meyers, City Manager

Dated _____

RESOLUTION NO. _____

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EXHIBIT A

ORDINANCE NO. _____

**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 prior to the state commencing its psilocybin licensing and regulatory program 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 475A.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: _____

Exhibit B

Explanatory Statement

Approval of this measure would prohibit the establishment and operation of psilocybin-related businesses within the City of Cottage Grove.

In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act, and now codified in Oregon Revised Statutes (ORS) Chapter 475A. That act allows the manufacture, delivery, and administration of psilocybin at facilities licensed by the Oregon Health Authority (OHA).

OHA has initiated a rulemaking process to implement the State's psilocybin program, but has not yet completed that process. The uncompleted rulemaking leaves uncertainty in how the manufacture, delivery, and administration of psilocybin at licensed psilocybin facilities will operate within the City of Cottage Grove.

ORS 475A.718 authorizes the City Council to refer an ordinance prohibiting psilocybin product manufacturers and psilocybin service centers within the City of Grove's jurisdiction and the City Council desires to refer this prohibition to the voters.