

RESOLUTION NO. 29 FOR 2022

A RESOLUTION OF THE SWEET HOME CITY COUNCIL REFERRING TO THE VOTERS OF SWEET HOME A MEASURE PROPOSING A PROHIBITION ON PSILOCYBIN-RELATED BUSINESSES AND ADOPTING A BALLOT TITLE AND EXPLANATORY STATEMENT

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

WHEREAS, Ballot Measure 109 also allows local governments to prohibit psilocybin-related businesses by referring an ordinance to the voters at a statewide general election; and

WHEREAS, the Sweet Home City Council is in the process of adopting for referral to the voters Ordinance Bill No. 4 for 2022, to prohibit psilocybin-related businesses in Sweet Home,

NOW, THEREFORE, the City Council resolves as follows:

Section 1. The City Council refers to the November 8, 2022, election a ballot measure proposing the prohibition of psilocybin-related businesses within the City of Sweet Home.

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

CAPTION:

Prohibition of psilocybin-related businesses within the City of Sweet Home.

QUESTION:

Shall the City of Sweet Home prohibit psilocybin-related businesses?

SUMMARY:

State law allows for the manufacturing, transportation, delivery, sale and possession of psilocybin, the psychedelic drug found in certain mushrooms. State law provides that a local government may adopt an ordinance to be referred to the voters to prohibit the establishment of licensed psilocybin product manufacturers and/or psilocybin service centers. The Sweet Home City Council adopted an ordinance to refer to the voters that prohibits psilocybin-related businesses in Sweet Home.

Approval of the measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service centers within the area subject to the jurisdiction of City of Sweet Home.

Section 3. The City Council adopts the following explanatory statement for the ballot measure:

EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment and operation of psilocybin product manufacturers and psilocybin service centers within the city of Sweet Home. Psilocybin is the psychedelic drug derived from certain mushrooms. Oregon voters legalized psilocybin through Ballot Measure 109 (2020).

Ballot Measure 109 (2020) allows a local government to adopt an ordinance to be referred to the voters that prohibits the establishment of certain licensed psilocybin-related businesses. The Sweet Home City Council has adopted such an ordinance that prohibits psilocybin-related businesses. If approved, this measure would prohibit psilocybin product manufacturers and psilocybin service centers within the City of Sweet Home.

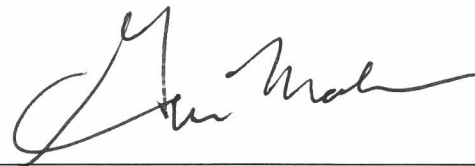
The authority to impose a tax or fee on the manufacturing or sale of psilocybin products, or the provision of psilocybin services in Oregon is vested solely in the Legislative Assembly. Additionally, Measure 109 prohibits a city from adopting or enacting an ordinance imposing a tax or fee on psilocybin manufacturing or the provision of psilocybin services. Consequently, approval of this measure should not have any revenue impacts on the City.

Section 4. The ballot title and explanatory statement adopted by this resolution shall be filed with the city elections officer. The city attorney and city elections officer are jointly and severally authorized and directed to take all necessary steps for and on behalf of the city to effectuate this resolution, in compliance with the applicable provisions of law, including providing public notice and submitting required materials to the county elections officer to cause the measure to appear on the ballot for the November 8, 2022, election and to otherwise carry out the intent and purpose of this resolution.

Section 5. The city ordinance that is the subject of this referral is attached hereto and incorporated herein as Exhibit A.

Section 6. That this Resolution shall be effective immediately upon passage by the Sweet Home City Council.

PASSED by the Council and approved by the Mayor, this 26th day of July, 2022.



Mayor

ATTEST:



City Manager Pro Tem – Ex Officio City Recorder

**RESOLUTION NO. 29 FOR 2022 – EXHIBIT A
ORDINANCE BILL NO. 4 FOR 2022**

ORDINANCE NO. ____

**SWEET HOME 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 26, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Sweet Home 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 seeks to refer to the voters of Sweet Home the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries,

NOW THEREFORE,

The City of Sweet Home does ordain 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 Sweet Home.

Section 2. Referral.

This ordinance is referred to the electors of the city of Sweet Home for approval at the next statewide general election on November 8, 2022.

Section 3. Effective Date.

This ordinance takes effect and becomes operative 30 days after the day on which it is

approved by a majority of voters.

PASSED by the Council and approved by the Mayor this ___ day of _____, 2022.

Mayor

ATTEST:

City Manager Pro Tem - Ex Officio City Recorder