

COBURG CITY COUNCIL ACTION/ISSUE ITEM



TOPIC: Ordinance A-254, Options for the Licensing of Psilocybin Facilities, and Referral to the Electors of the City of Coburg

Meeting Date: July 12, 2022

Staff Contact: Anne Heath

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REQUESTED COUNCIL ACTION

First Reading of Ordinance A-245.

Council has the option of two different declarations for this ordinance including:

- 1. An Ordinance Declaring a Ban on Psilocybin Service Centers and Manufacture of Psilocybin Products. (ATTACHMENT A)**
 - 2. An Ordinance Declaring a Temporary Ban on Psilocybin Service Centers and Manufacture of Psilocybin Products. (ATTACHMENT B).**
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BACKGROUND

Oregon Measure 109, the Psilocybin Program Initiative, was on the ballot in Oregon on November 3, 2020. It was approved by 56% of the voters. The program becomes operational on January 1, 2023. Psilocybin mushrooms are wild or cultivated mushrooms that contain psilocybin, a naturally occurring psychoactive and hallucinogenic compound.

As of 2020, the manufacturing and consumption of psilocybin was illegal under both federal and state law. Measure 109 created a program for administering psilocybin products to individuals aged 21 and older. The new law allows for the manufacture, delivery, and administration of psilocybin at supervised, licensed facilities. It does not allow for the sale or delivery of psilocybin products outside the tightly controlled confines of the program.

Measure 109 allows cities and counties to place referendums on local ballots to prohibit or allow psilocybin-product manufacturers or psilocybin service centers within their jurisdiction by opting out of allowing psilocybin licensees within their borders entirely. This "opt out" requires a council ordinance to place on the ballot a local initiative petition for the state wide

general election on November 8, 2022.

Alternatively, the Council may also pass an ordinance that places a two-year moratorium on the licensing of these facilities. This allows the City time to facilitate changes to the zoning code for “Time, Place and Manner” regulations of these facilities.

PUBLIC INVOLVEMENT

A Public Hearing is required to be held on July 12 when the first reading is held. Information has been placed in the City newsletter, and on social media to provide the public notice of the hearing.

COUNCIL CHOICES

1. **Do nothing.** The City would be required to grant requested psilocybin licenses in Coburg beginning on January 1 within the requirements of City Code and pursuant to the new state law.
2. **Consider Ordinance A-254 (Attachment A)** which will declare a ban on Psilocybin service centers and the manufacturing of Psilocybin products in the City of Coburg.
3. **Consider Ordinance A-254 (Attachment B)** to place a two-year moratorium on the licensing of Psilocybin. This will allow for code updates of reasonable “Time, Place and Manner” restrictions on licensing facilities.

Both choices two and three include a referral to the Electors of the City for the November 8 elections.

REQUIREMENTS FOR PLACING ON THE BALLOT

If Council wishes to refer this to the voters, then an adoption of the desired ordinance needs to take place no later than the August 9 City Council meeting. This requires the first reading and hearing on July 12, and the second reading and vote on August 9th.

Council adoption of Ordinance will start the process with the City Elections Official who will publish receipt of ballot title for minimum of seven days as required. If there are NO challenges during this time the final ballot title and explanatory, statement will be filed with Lane County elections no later than September 8.

RECOMMENDATIONS:

Staff recommendation is that the Council take the time they need to make this decision and encourage public comment on the topic prior to voting on the ordinance.

BUDGET

There would be no budget consideration for this item except, if either ordinance is passed; it could impact business and development fees.

NEXT STEPS

Depending on Council decision, staff will:

1. Bring back the final ordinance for second reading at their August 9, 2022 meeting.
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ATTACHMENTS

- A. Draft Ordinance options (Attachments A & B)
 - B. Exhibit A.1 – Ballot Title & Explanatory Statement
 - C. Exhibit B.1 – Ballot Title & Explanatory Statement
 - D. Psilocybin Product Information Sheet
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Reviewed by:

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