



## **COBURG CITY COUNCIL ACTION/ISSUE ITEM**

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**TOPIC: Resolution 2022-19 Approving the Ballot Title for Referring the Temporary Ban on Licensing of Psilocybin Facilities to the Electors of the City of Coburg**

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**Meeting Date:** August 9, 2022

**Staff Contact:** Anne Heath

**Contact:** 541-682-7871, Anne.Heath@ci.coburg.or.us

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### **REQUESTED COUNCIL ACTION**

**Resolution 2022-19, Approving the Ballot Title for Referring the Temporary Ban on Licensing of Psilocybin Facilities to the Electors of the City of Coburg.**

***Recommended Motion: "I move to adopt resolution 2022-19 approving a ballot title to be submitted to the voters at the November 8, 2022 election; the question of a temporary ban on psilocybin service centers and the manufacture of psilocybin"***

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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 psilocybin-product manufacturers or psilocybin service centers within their jurisdiction by opting out of allowing psilocybin licensees within their borders entirely, or to place a moratorium on licensing such facilities.

On July 26<sup>th</sup> the City Council adopted Ordinance A-254, placing a two-year moratorium on the licensing of Psilocybin which allows for code updates of reasonable "Time, Place and Manner" restrictions on licensing facilities, and referred it to the electors of the City of Coburg.

This resolution approves the title of the ballot measure to be referred to the voters.

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**PUBLIC INVOLVEMENT**

A public hearing was held before the City Council on July 12, 2022 and public comments was heard.

Articles were placed in the City newsletter and in the Utility Billings.

Public Comment is allowed and welcome at all City Council meetings.

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**COUNCIL CHOICES**

1. **Consider Resolution 2022-19 (Attachment A)** which approves the ballot title
2. Do nothing, licensing of these facilities will become legal in January 2023.

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**REQUIREMENTS FOR PLACING ON THE BALLOT**

If Council wishes to refer this to the voters, then an approval of the desired ballot title needs to take place.

Form SEL802 to place it on the ballot would need to be filed with Lane County no later than September 8.

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**RECOMMENDATIONS:**

Staff recommends the council approve Resolution 2022-19.

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**BUDGET**

N/A

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**NEXT STEPS**

City Recorded will provide the required legal notice required and submit the measure to Lane County Election.

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**ATTACHMENTS**

- A. Draft Resolution 2022-19
- B. Ordinance A-254

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**Reviewed by:**

Anne Davies, City Attorney  
Sammy Egbert, City Recorder

## **RESOLUTION 2022-19**

### **A RESOLUTION APPROVING A BALLOT TITLE TO BE SUBMITTED TO THE VOTERS AT THE NOVEMBER 8, 2022 ELECTION; THE QUESTION OF A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS**

**WHEREAS**, the Council of the City of Coburg desires to place a temporary ban on psilocybin-related business within the City of Coburg, Oregon which would sunset after two years; and

**WHEREAS**, on July 26, 2022, the City Council of Coburg adopted Ordinance A-254 declaring a temporary ban on Psilocybin Service Centers and Manufacture of Psilocybin Products, and referring it to the electors at the Statewide General Election to be held in November 8, 2022.

#### **NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the following Ballot Title shall be submitted to the voters of the City of Coburg at the November 8, 2022, general election.

Caption: **A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND MANUFACTURING PRODUCTS FOR TWO YEARS.**

Question: Shall the City of Coburg **declare a temporary ban on Psilocybin-related businesses and the manufacture of Psilocybin products within the** City of Coburg for two years?

Summary: Psilocybin is a psychedelic drug found in certain mushrooms. State law allows operation, manufacturer, distribution and possession of psilocybin and psilocin. State law provides that the City of Coburg Council may adopt a measure to be referred to the voters to prohibit the establishment of any registered or licensed activities. 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. This measure would add a two-year moratorium for the establishment of operations of psilocybin-related businesses within the City's jurisdiction. The Oregon Health Authority has not completed the rulemaking process to implement the state's psilocybin regulatory program. The City Council 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 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 Coburg.

**SECTION 2.** Polling places, form of election, judges, and times, shall be the same as established by the County for General Election.

**Adopted by the City Council of the City of Coburg, Oregon by a vote of\_\_ for and \_\_\_\_ against, this 9<sup>th</sup> day of August 2022.**

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Ray Smith, Mayor

Attest:

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Sammy Egbert, City Recorder