



Deschutes County Board of Commissioners
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AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of July 13, 2022

DATE: June 27, 2022

FROM: Dave Doyle Legal 388-6625

TITLE OF AGENDA ITEM:

Public Hearing: Consideration of Ordinance No. 2022-009, Referring a Measure to the Electors to Prohibit the Establishment of Psilocybin Product Manufacturers and Psilocybin Service Center Operators within Unincorporated Deschutes County.

PUBLIC HEARING ON THIS DATE? Yes.

BACKGROUND AND POLICY IMPLICATIONS:

In November 2020, Ballot Measure 109 was passed by the electors of Oregon, thereby creating a program to permit licensed service providers to administer psilocybin-producing mushroom and fungi products to individuals 21 years of age or older. M109 has since been codified as ORS 475A.718. Provisions of the law allow that the governing body of the county may adopt an ordinance to be referred to the electors of the county at the next statewide general election to determine whether to prohibit the establishment of Psilocybin Product Manufacturers and/or Psilocybin Service Center Operators within the unincorporated County. To date, the Oregon Health Authority has not completed rulemaking necessary to provide regulatory oversight of Psilocybin Product Manufacturers and Psilocybin Service Center Operators.

FISCAL IMPLICATIONS:

Uncertain. However, costs associated with staff time are anticipated if there is no opt out.

RECOMMENDATION & ACTION REQUESTED:

Board consideration of Ordinance No. 2022-009.

MOTION: Move adoption of Ordinance No. 2022-009.

ATTENDANCE: Legal, CDD

DISTRIBUTION OF DOCUMENTS:

Legal

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Prohibiting the Establishment of Psilocybin Product Manufacturers and Psilocybin Service Center Operators within Unincorporated Deschutes County; Referral to the Electors. *
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ORDINANCE NO. 2022-009

WHEREAS, in November 2020, Ballot Measure 109 was passed by the electors of Oregon, thereby creating a program to permit licensed service providers to administer psilocybin-producing mushroom and fungi products to individuals 21 years of age or older; and

WHEREAS, Ballot Measure 109 has been codified as ORS 475A.718; and

WHEREAS, ORS 475A.718 allows that the governing body of a county may adopt an ordinance to be referred to the electors of the county at the next statewide general election to determine whether to prohibit the establishment of Psilocybin Product Manufacturers and/or Psilocybin Service Center Operators; and

WHEREAS, any prohibition on Psilocybin approved by the electors will only apply within the unincorporated County and will not impact Psilocybin operations or businesses within any city limits; and ,

WHEREAS, to date the Oregon Health Authority has not completed rulemaking necessary to provide regulatory oversight of Psilocybin Product Manufacturers and Psilocybin Service Center Operators; and

WHEREAS, the Board of Commissioners believes that the timing is appropriate to refer this matter to the voters of Deschutes County, as authorized by Ballot Measure 109 and ORS 475A.718; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. In accordance with ORS 475A.718, and subject to the vote of the electors at the November 8, 2022 General Election, the following are prohibited in the unincorporated areas subject to the jurisdiction of Deschutes County:

- (a) Psilocybin Product Manufacturing;
- (b) Psilocybin Service Center Operations;

Section 2. This ordinance shall be referred to the electors of Deschutes County at the General Election on Tuesday, November 8, 2022.

Section 3. The text of this ordinance shall be provided to the Oregon Health Authority.

Section 4. Effective Date. Pursuant to ORS 203.045(9), this ordinance takes effect upon approval of a majority of those voting on the proposed ordinance.

Dated this _____ of _____, 2022

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DEBONE, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner

Date of 1st Reading: _____ day of _____, 2022.

Date of 2nd Reading: _____ day of _____, 2022.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Phil Chang	___	___	___	___
Patti Adair	___	___	___	___
Anthony DeBone	___	___	___	___

Effective date: Upon approval of a majority of those voting on the proposed ordinance at the November 8, 2022 General Election.

CAPTION

Concerning Psilocybin manufacturing and service centers in unincorporated Deschutes County.

QUESTION

Shall Psilocybin Product Manufacturing and Service Centers be prohibited in Deschutes County's unincorporated areas (outside of city limits)?

SUMMARY

In November 2020, Ballot Measure 109 was passed by the electors of Oregon. The Measure created a statewide program to allow licensed providers to administer psilocybin-producing mushroom and fungi products to individuals 21 years of age or older.

Measure 109 (codified as ORS 475A.718) allows the governing body of Deschutes County to adopt an ordinance to be referred to the electors to determine whether the statewide program will be allowed to operate within the unincorporated areas (outside of city limits) of Deschutes County.

A "yes" vote will prohibit the establishment and operation of Psilocybin Product Manufacturing and Psilocybin Service Centers within the unincorporated areas (outside of city limits) of Deschutes County.

A "no" vote will allow establishment and operation of Psilocybin Product Manufacturing and Psilocybin Service Centers within the unincorporated areas (outside of city limits) of Deschutes County.