

City of St. Helens

RESOLUTION NO. 1961

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF ST. HELENS AT THE NOVEMBER 8, 2022 GENERAL ELECTION, THE QUESTION OF WHETHER TO PROHIBIT PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS WITHIN THE CITY

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 requires Oregon Health Authority ("OHA") to begin accepting applications for licenses to manufacture, deliver and administer psilocybin on January 2, 2023; and

WHEREAS, OHA has initiated its rulemaking process; however, the regulatory program will not likely be complete by September 8, 2022, which is the deadline for local governments to refer a measure for the November ballot; and

WHEREAS, ORS 475A provides that a city council may refer to the electors of the city the question of whether to prohibit 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 of St. Helens desires to refer this question to the electors of the City of St. Helens.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. Measure. A measure election is called in and for the City of St. Helens, Columbia County, Oregon, for the purpose of submitting a measure prohibiting psilocybin service centers and the manufacture of psilocybin products. City Council hereby adopts the attached Ordinance, incorporated as "Exhibit 1", as the measure to be referred to the electors of the city.

Section 2. Election Conducted by Mail. The measure election shall be held on Tuesday, November 8, 2022, which is the next general election. The precinct for the election shall be all of the territory within the corporate limits of the City of St. Helens. As required by ORS 254.465, the measure election will be conducted by mail by the Columbia County Elections Department, according to the procedures adopted by the Oregon Secretary of State.

Section 3. Notice of Ballot Title. The City Elections Officer is directed to publish notice of receipt of the ballot title in the Columbia County Spotlight or The Oregonian in compliance with ORS 250.275(5).

Section 4. Ballot Title. Pursuant to ORS 250.285 and ORS 254.095, the City Council of St. Helens directs the City Elections Officer to file a notice of City Measure Election in substantially the form of "Exhibit 2," with the Columbia County Elections Office, unless pursuant to a valid ballot title challenge, a judge at the Columbia County Circuit Court judge certifies a different Notice of City Measure Election be filed, such filing shall occur no earlier than the eighth business day after the date on which Exhibit 2 is filed with the City Elections Officer and not later than September 8, 2022.

Section 5. Explanatory Statement. The explanatory statement for the measure, for publication in county voters' pamphlet, which is attached and incorporated as "Exhibit 3," is approved; said statement shall be filed with the Columbia County Elections Office at the same time the Notice of City Measure Election is filed by the City Elections Officer.

Section 6. Delegation. The City Council of St. Helens authorizes the City Administrator or designee to act on behalf of the city of St. Helens and to take further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

Section 7. Effect of "Yes" Vote. If a majority of eligible voters vote "yes" on the measure, psilocybin service centers and the manufacture of psilocybin products will be prohibited within the corporate limits of the City of St. Helens for two years.

This resolution was PASSED and ADOPTED this 3rd day of August, 2022, and takes effect upon passage.

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

APPROVED AS TO FORM:

City Attorney

EXHIBIT 1

ORDINANCE NO.

AN ORDINANCE DECLARING A TWO-YEAR TEMPORARY 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 August 3, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of St. Helens 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 St. Helens 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 and 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 St. Helens; and

WHEREAS, the City Council seeks to refer to the voters of St. Helens the question of whether to establish a two-year temporary ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries.

NOW, THEREFORE, THE CITY OF ST. HELENS ORDAINS AS FOLLOWS:

Section 1. Prohibition. The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the city of St. Helens.

Section 2. Effective Date. This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

Section 3. Sunset. This ordinance is repealed on December 31, 2024.

Notice of Measure Election

City

SEL 802

rev 01/18 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Notice

Date of Notice

Name of City or Cities

Date of Election

St. Helens

November 8, 2022

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

Prohibits psilocybin-related businesses with St. Helens for two years.

Question 20 words which plainly phrases the chief purpose of the measure.

Shall St. Helens prohibit psilocybin-related businesses for two years?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

State law allows for the manufacturing, transportation, delivery, sale and purchase 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 St. Helens City Council adopted an ordinance to refer to the voters that temporarily prohibits psilocybin-related businesses within the city's jurisdiction to enable the city to consider local regulations once the Oregon Health Authority establishes the state's psilocybin regulatory program. Approval of the measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service centers within the St. Helens city limits until December 31, 2024.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

→ any measure referred by the city governing body; **or**

→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached?

☒ Yes

☐ No

Authorized City Official Not required to be notarized.

Name

Title

Mailing Address

Contact Phone

By signing this document:

→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; **and**

→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature

Date Signed

EXHIBIT 3

EXPLANATORY STATEMENT

Approval of this measure would establish a two-year prohibition on psilocybin product manufacturers and psilocybin service centers within the city of St. Helens. Psilocybin is the psychedelic drug derived from certain mushrooms. Oregon voters legalized psilocybin through Ballot Measure 109 (2020), which directs the Oregon Health Authority (OHA) to develop a psilocybin licensing and regulatory program for the state by January 2, 2023. OHA's psilocybin regulatory program is in development, and the city would like to consider local regulations for psilocybin-related businesses once OHA's program is established.

Ballot Measure 109 (2020) also allows a local government to adopt an ordinance to be referred to the voters prohibiting the establishment of certain licensed psilocybin-related businesses. The St. Helens City Council has adopted such an ordinance for referral to the voters that temporarily prohibits psilocybin-related businesses to enable the city to consider local regulations once the state psilocybin program is established. If approved, this measure would prohibit psilocybin product manufacturers and psilocybin service centers within the city of St. Helens until December 31, 2024.