



REQUEST FOR COUNCIL ACTION

Title: Request for Council Action - Consideration of Measure 109, Potential Ballot Measure, and Ordinance

Preferred Agenda: July 26, 2022

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Christy Wurster, City Manager Pro Tem

Type of Action: Resolution X Motion X Roll Call Other

Relevant Code/Policy: SH Charter, Chapter I, Powers of the City

Towards Council Goal: Aspiration I: Desirable Community

Attachments: Resolution No. 29 for 2022: Psilocybin Ban
Ordinance No. 4 for 2022: Psilocybin Ban

Purpose of this RCA:

The purpose of this RCA is to inform the Council and seek direction regarding potential City responses to Measure 109.

Background/Context:

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. 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.

Psilocybin, often referred to as “psychedelic mushrooms,” is a Federally regulated Schedule I drug, but preliminary data from clinical trials suggest that psilocybin therapies are effective in treating depression, anxiety, PTSD, obsessive-compulsive disorder, smoking cessation, and alcoholism. Experts caution that such fungi can be very powerful and even deadly.

The City has the option to prohibit psilocybin service centers and manufacturers within city limits, but any such prohibition must be referred to voters in this November’s general election.

At the July 12, 2022 meeting, the Council voted to direct staff to prepare the documents necessary for a psilocybin ban. Staff has researched the elections process for this matter and prepared the attached resolution and ordinance.

If the resolution is passed by the Council, staff will publish notice of the ballot title (contained within the resolution) as required by law. Passage of the accompanying ordinance will need to take place before the September 8th deadline for filing with the County elections official. In the interest of time, the Council may hold two readings of the ordinance in one night, which would

allow the required third reading to take place at the August 9th Council Meeting. A second reading at the same meeting as the first may only take place if the vote following the first reading is unanimous in the affirmative.

The Challenge/Problem:

Should the City ban psilocybin service centers and manufacturers from operating within city limits?

Stakeholders:

- Sweet Home City Council – The City Council has the authority to pass ordinances regulating psilocybin facilities, if approved by voters.
- Sweet Home Citizens – Citizens deserve a safe community, and the availability of safe healthcare options.

Issues and Financial Impacts:

The financial impacts of this matter are limited to staff time and election filing fees, which are unknown at this time.

Elements of a Stable Solution:

A stable solution is one that complies with State law and implements the will of the Council and Sweet Home Citizens.

Options:

1. Do nothing – Allow psilocybin facilities operate under state law without additional local control.
2. Adopt Resolution No. 29 for 2022, A Resolution Referring to the Voters of Sweet Home a Measure Proposing a Prohibition on Psilocybin-related Businesses and Adopting a Ballot Title and Explanatory Statement as presented.
3. Adopt Resolution No. 29 for 2022, A Resolution Referring to the Voters of Sweet Home a Measure Proposing a Prohibition on Psilocybin-related Businesses and Adopting a Ballot Title and Explanatory Statement as presented with changes.
4. Conduct first and second reading of Ordinance Bill No. 4 for 2022 as presented. A second reading of an ordinance may only take place in the same meeting if the vote on the first reading is unanimous.
5. Conduct first and second reading of Ordinance Bill No. 4 for 2022 with changes. A second reading of an ordinance may only take place in the same meeting if the vote on the first reading is unanimous.

Recommendation:

If the Council desires to proceed with a psilocybin ban, Staff recommends option 2, motion to adopt Resolution No. 29 for 2022, A Resolution Referring to the Voters of Sweet Home a Measure Proposing a Prohibition on Psilocybin-related Businesses and Adopting a Ballot Title and Explanatory Statement as presented **AND** option 4, conduct first and second reading of Ordinance Bill No. 4 for 2022 as presented. The second reading of the ordinance can only take place if the vote following the first reading is unanimous.