



REQUEST FOR COUNCIL ACTION

Title: Measure 109 Potential Ballot Measure

Preferred Agenda: July 12, 2022

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Christy Wurster, City Manager Pro Tem

Type of Action: Resolution ____ Motion Roll Call ____ Other ____

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

Towards Council Goal: Aspiration I: Desirable Community

Attachments: Oregon Health Authority Introduction to Psilocybin
Measure 109 Model Ordinances and Ballot Measures developed by the Oregon League of Cities
Measure 109 News Articles (2)

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. The deadline for ballot measures to be submitted is August 19th, so if the City is to take any action, the Council must give direction before that time.

If the City wishes to allow psilocybin service centers and manufacturers, it may specify time, place, and manner restrictions. Under State law, such facilities must be at least 1,000 feet from any schools, however the City may impose additional reasonable restrictions on time, place,

and manner in which such facilities operate. Such restrictions may include the zones in which such facilities operate, the time of day they are allowed to operate, and whether or not such a use is permitted outright or requires a conditional use permit.

The Challenge/Problem:

Should the City allow psilocybin service centers or manufacturers to operate within city limits? If so, should the City impose any reasonable time, place, and manner restrictions?

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 Statute 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. Direct Staff to draft an ordinance and ballot measure based on the models provided prohibiting Psilocybin service centers and manufacturers without a sunset clause.
3. Direct Staff to draft an ordinance and ballot measure based on the models provided prohibiting Psilocybin service centers and manufacturers with a two-year sunset clause.
4. Direct Staff to draft an ordinance and ballot measure based on the models provided prohibiting Psilocybin service centers and manufacturers with specified changes.
5. Direct Staff to draft an ordinance instituting specified time, place, and manner restrictions for Psilocybin service centers and manufacturers.

Recommendation:

Staff makes no recommendation on this matter.