

ORDINANCE NO. 5119

AN ORDINANCE DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS, REFERRING SUCH ORDINANCE TO THE VOTERS AND DECLARING AN EMERGENCY.

RECITALS:

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 June 30, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of McMinnville 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 McMinnville 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 McMinnville; and

WHEREAS, the City Council seeks to refer to the voters of McMinnville 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 COMMON COUNCIL FOR THE CITY OF MCMINNVILLE 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 McMinnville for a period of two years after the date this ordinance becomes operative.

Section 2. Referral.

This ordinance is referred to the electors of the city of McMinnville for approval at the next statewide general election on November 8, 2022.

Section 3. Ballot Title. The Ballot Title to appear on the ballot shall be:

"Prohibits psilocybin-related businesses within the City of McMinnville. Prohibition sunsets after two years."

QUESTION

"Shall the City of McMinnville prohibit psilocybin-related businesses for two years?"

SUMMARY

State law allows for the manufacturing, transportation, delivery, sale and purchase of psilocybin, the psychedelic drug found in certain mushrooms in compliance with state law. 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 McMinnville City Council adopted an ordinance to refer to the voters that temporarily prohibits psilocybin related businesses in McMinnville to enable the city to consider local regulations once the state's psilocybin regulatory program is established.

Approval of the measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service centers within the McMinnville city limits until December 31, 2024.

Section 4. Explanatory Statement. The Explanatory Statement shall consist of the following:

EXPLANATORY STATEMENT

Approval of this measure would temporarily prohibit the establishment and operation of psilocybin-related businesses within the City of McMinnville. A city council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the city, but the council must refer the ordinance to the voters at a statewide general election. The McMinnville City Council has adopted an ordinance prohibiting the establishment of psilocybin related businesses within the City of McMinnville for a period of two years and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the City of McMinnville until December 31, 2024.

Section 5. The City Manager and City Recorder shall take all steps on behalf of the City as necessary to carry out the intent and purposes of this Ordinance in compliance with state and local law, including but not limited to publishing the ballot title as provided by state law, publishing notice of the measure and filing this measure with Yamhill County Elections Division.

Section 6. Effective Date of Temporary Ban.

Section 1 of this ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

Section 7. Emergency Declared. This ordinance being necessary for the peace, health and safety of the City, an emergency is hereby declared, and this ordinance shall become effective immediately upon its passage and adoption by the City Council.

Passed by the McMinnville City Council this 2nd day of August, 2022 by the following votes:

Ayes: Menke, Chenoweth, Payne, Peralta, Garvin

Nays: _____



INTERIM MAYOR

Approved as to form:



City Attorney

Attest:

Claudia Cisneros
City Recorder