

ORDINANCE NO. 588

AN ORDINANCE OF TOWN OF LAKEVIEW DECLARING A BAN ON PSILOCYBIN-RELATED BUSINESSES IN THE TOWN, INCLUDING PSILOCYBIN PRODUCT MANUFACTURERS AND SERVICE CENTER OPERATORS.

WHEREAS, Town of Lakeview ("Town") has all the powers that the constitutions, statutes, and common laws of the United States and Oregon expressly or impliedly grant or allow Town; and

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 ("OHA") will regulate the manufacture, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, OHA will begin accepting applications for licensure to manufacture, deliver, and administer psilocybin on January 2, 2023; and

WHEREAS, OHA has initiated a rulemaking process to implement the state's psilocybin regulatory program. As of July NO 2022, OHA has not completed the rulemaking process. Oregon counties and cities are uncertain how the manufacture, delivery, and administration of psilocybin at licensed psilocybin facilities will operate within local jurisdictions; 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 city's jurisdiction; and

WHEREAS, the town council (the "Council") for Town of Lakeview ("Town") desires to refer the question of whether to prohibit (i.e., ban) state-licensed psilocybin manufacturers and psilocybin-related businesses to the voters of Town at the next statewide general election held on November 8, 2022.

NOW, THEREFORE, the Town of Lakeview ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Short Title. This Ordinance No. 588 (this "Ordinance") may be referred to as the "Psilocybin Prohibition Ordinance."
3. Purpose. The purpose of this Ordinance is to prohibit (i.e., ban) the operation and/or establishment of psilocybin-related businesses within Town, subject to voter approval.
4. Prohibition. Subject to voter approval, Town hereby prohibits the establishment and/or operation of the following in any area subject to Town's jurisdiction: (a) psilocybin product manufacturers licensed under ORS 275A.290; (b) psilocybin service center operators licensed under ORS 275A.305; and/or (c) any combination of the entities described in this Section 4.


5. Notice to OHA. Town's town manager (or his or her designee) will notify OHA of Town's adoption of this Ordinance and provide the text of this Ordinance to OHA in a form and manner prescribed by OHA.

6. Referral. This Ordinance will be referred by council resolution to Town's electors at the next statewide general election held on November 8, 2022.

7. Interpretation; Severability; Errors. This Ordinance supersedes all Town ordinances, resolutions, and/or policies in conflict with this Ordinance (but only to the extent in conflict with this Ordinance). All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, rule, regulation, code, and/or ordinance includes the law, rule, regulation, code, and/or ordinance as now in force and which may hereafter be amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

8. Effective Date. This Ordinance will be effective for all purposes 30 days after the date on which it is approved by Town's voters.

This Ordinance was PASSED by the Town Council by a vote of 5 for and 0 against and APPROVED by the mayor this 21 day of July, 2022.


Raymond Turner, Mayor

ATTEST:


Dawn Lepori, Town Redorder

Exhibit A

Ballot Title

CAPTION: Prohibits psilocybin-related businesses within Town of Lakeview.

QUESTION: Shall Town of Lakeview prohibit psilocybin-related businesses in the town?

SUMMARY: Psilocybin is the psychedelic drug found in certain mushrooms. State law allows operation and/or manufacture of certain licensed psilocybin services. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit (i.e., ban) the establishment and/or operation of psilocybin-related registered or licensed activities. Town of Lakeview has adopted an ordinance to prohibit psilocybin-related businesses in the town, subject to voter approval. Approval of this measure would prohibit the establishment and/or operation of psilocybin manufacturers and/or service centers within any area subject to the town's jurisdiction. The proposed ordinance is available for public inspection on the town's website and at City Hall.

Exhibit B
Explanatory Statement

Approval of this measure would prohibit (i.e., ban) the establishment and operation of psilocybin-related businesses in Town of Lakeview.

Ballot Measure 109 was passed by Oregon voters in November 2020 directing the Oregon Health Authority (“OHA”) to license and regulate the manufacture, transportation, delivery, sale, and purchase of psilocybin products. Psilocybin is the psychedelic drug derived from certain mushrooms.

ORS 475A.235 provides, in pertinent part, that OHA will regulate the manufacture, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services in the State of Oregon. OHA has initiated the rulemaking process to implement the state’s regulatory program. However, because the rulemaking process has not been completed to date, the town is uncertain how the manufacture, delivery, and administration of psilocybin at licensed psilocybin facilities will function or operate.

ORS Chapter 475A.718 provides a city council may adopt an ordinance prohibiting the establishment and operation of psilocybin-related businesses within the city, but the city council must refer the ordinance to the voters at a statewide general election. The town has adopted Ordinance No. ~~000~~ the Psilocybin Prohibition Ordinance, prohibiting the establishment and/or operation of psilocybin-related businesses within the town’s jurisdictional boundaries. Ordinance No. ~~000~~ will take effect and become operative 30 days after voter approval (if applicable).

If approved, this measure will prohibit psilocybin-related businesses within the town.