



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: August 3, 2022

Department: Board of Commissioners Agenda Planning Date: Time required: 5 Mins.

Audio/Visual aids

Contact: Tanisha Bush Phone: 503-302-8440

Department Head Signature: [Handwritten Signature]

TITLE: Psilocybin Ordinance

Issue, Description & Background: Psilocybin is a psychedelic drug found in certain mushrooms. State law (ORS Chapter 475A) allows the operation of Psilocybin product manufacturing and service centers. ORS 475A.718 also allows a county governing body to adopt an ordinance prohibiting Psilocybin manufacturing and service centers within the unincorporated area of the county. The Marion County Board of Commissioners has the option of adopting an ordinance prohibiting Psilocybin manufacturing and service centers from operating within the unincorporated areas of Marion County. Pursuant to ORS 475A.718 this ordinance will then be referred to the electors to determine whether Psilocybin manufacturing and service centers will be prohibited from operating within the unincorporated areas of Marion County. Approval of this measure would prohibit (not allow) the establishment of Psilocybin manufacturing and service centers in unincorporated Marion County.

Financial Impacts: None.

Impacts to Department & External Agencies: None.

Options for Consideration: 1. Adopt an Ordinance Referring a Measure to the Electors to Prohibit the Establishment of Psilocybin Product Manufacturers and Psilocybin Service Center Operators within Unincorporated Marion County. 2. Do not adopt an Ordinance Referring a Measure to the Electors to Prohibit the Establishment of Psilocybin Product Manufacturers and Psilocybin Service Center Operators within Unincorporated Marion County.

Recommendation: Staff recommends that the Board adopt the ordinance.

List of attachments: 1. Ballot Title 2. Psilocybin Ordinance

Presenter: Tanisha Bush



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MARION COUNTY, OREGON

3 AN ORDINANCE PROHIBITING THE
4 ESTABLISHMENT OF PSILOCYBIN PRODUCT
5 MANUFACTURERS AND PSILOCYBIN
6 SERVICE CENTER OPERATORS WITHIN
7 UNINCORPORATED MARION COUNTY;
8 REFERRAL TO THE ELECTORS

9 WHEREAS, in November of 2020, Oregon voters approved Ballot Measure 109, known
10 as the Oregon Psilocybin Service Act (codified at ORS Chapter 475A), which allows for the
11 manufacture, delivery and administration of psilocybin at licensed facilities; and

12 WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the
13 manufacturing, transportation, delivery, sale and purchase of psilocybin products and the
14 provision of psilocybin services in the state; and

15 WHEREAS, the Oregon Health Authority has initiated a rulemaking process to
16 implement the state’s psilocybin regulatory program and intends to begin accepting applications
17 for psilocybin-related licenses on January 2, 2023; and

18 WHEREAS, ORS 475A.718 provides that a county governing body may adopt an
19 ordinance to be referred to the electors of the county prohibiting the establishment of state
20 licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to
21 the jurisdiction of the county; and

22 WHEREAS, although Ballot Measure 109 passed statewide, Marion County voters did
23 not approve Ballot Measure 109; and
24
25

1 WHEREAS, the Marion County Board of Commissioners believes that prohibiting
2 psilocybin product manufacturers and psilocybin service centers within the unincorporated area
3 of the county is in the best interest of the health, safety, and welfare of the citizens of Marion
4 County; and

5 WHEREAS, the Board seeks to refer to the voters of Marion County the question of
6 whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin
7 service centers within unincorporated Marion County; now therefor,

8 THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:
9

10 **SECTION 1 –Ban**

11 The establishment of psilocybin product manufacturers licensed under ORS 275A.290
12 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the unincorporated
13 area of Marion County.

14 **SECTION 2 – Referral to Voters**

15 This ordinance is referred to the electors of Marion County at the next statewide general
16 election on November 8, 2022. The ballot title is attached as Exhibit A.

17 **SECTION 3 – Notice To Oregon Health Authority**

18 The text of this ordinance shall be provided to the Oregon Health Authority.

19 **SECTION 4- Effective Date**

20 Pursuant to ORS 203.045(9), this ordinance takes effect upon approval of a majority of
21 those voting on the proposed ordinance.
22

23 **SECTION 5-Severability**

24 If any section, clause, phrase, or word of this Ordinance, including the exhibit, shall for
25 any reason be held invalid, unconstitutional, or unenforceable by a body of competent

1 jurisdiction, the remainder of this Ordinance or its application and all portions not so stricken
2 shall not be affected thereby and shall remain in full force and effect.

3
4 ENACTED this ____ day of _____, 2022 of Marion County, Oregon.

5
6 MARION COUNTY BOARD OF COMMISSIONERS

7
8 _____
9 Chair

10
11 _____
12 Commissioner

13
14 _____
15 Commissioner

EXHIBIT A

CAPTION

PROHIBITS PSILOCYBIN MANUFACTURING AND SERVICE CENTERS IN UNINCORPORATED MARION COUNTY.

QUESTION

Shall Psilocybin product manufacturing and service centers be prohibited in Marion County's unincorporated areas (outside of city limits)?

SUMMARY

Psilocybin is a psychedelic drug found in certain mushrooms. State law (ORS Chapter 475A) allows the operation of Psilocybin product manufacturing and service centers. ORS 475A.718 also allows a county governing body to adopt an ordinance prohibiting Psilocybin manufacturing and service centers within the unincorporated area of the county.

The Marion County Board of Commissioners adopted an ordinance prohibiting Psilocybin manufacturing and service centers from operating within the unincorporated areas of Marion County. Pursuant to ORS 475A.718 this ordinance has been referred to the electors to determine whether Psilocybin manufacturing and service centers will be prohibited from operating within the unincorporated areas of Marion County.

Approval of this measure would prohibit (not allow) the establishment of Psilocybin manufacturing and service centers in unincorporated Marion County.