

RESOLUTION NO. 1270

**A RESOLUTION REFERRING TO THE ELECTORS OF THE CITY OF HARRISBURG
AN ORDINANCE BANNING PSILOCYBIN MANUFACTURING SITES, AND
PSILOCYBIN SERVICE CENTERS WITHIN THE CITY**

WHEREAS, Section 128 of Ballot Measure 109 provides that a City Council may adopt an ordinance to be referred to the electors of the City prohibiting the establishment of Psilocybin product manufacturers, Psilocybin service center operators, and any combination of the above two entities in the area subject to the jurisdiction of the City; and,

WHEREAS, the CITY OF HARRISBURG City Council adopted Ordinance 984, which prohibits the establishment of psilocybin product manufacturing, psilocybin service centers, or any combination of the two in the area subject to the jurisdiction of the City;

NOW, THEREFORE, THE CITY OF HARRISBURG RESOLVES AS FOLLOWS:

MEASURE. An election is hereby called for the purpose of submitting to the electors of the CITY OF HARRISBURG a measure prohibiting the establishment of Psilocybin product manufacturers and Psilocybin service center operators in the area subject to the jurisdiction of the City, a copy of which is attached hereto as "Exhibit 1," and incorporated herein by reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the CITY OF HARRISBURG on November 8, 2022. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Linn County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The CITY OF HARRISBURG authorizes the City Administrator or the City Administrator's designee, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

PREPARATION OF BALLOT TITLE. The ballot title for the measure set for as Exhibit 2 to this resolution is hereby adopted.


NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Elections Officer shall publish in the next available edition of a newspaper of general circulation in the city a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title. A copy of the ballot title and notice shall also be published on the City's website for a minimum of seven days.

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as "Exhibit 3," and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Elections Officer shall deliver the Notice of Measure Election to the County Clerk for Linn County for inclusion on the ballot for the November 8, 2022 election.

EFFECTIVE DATE. This resolution is effective upon adoption.

Adopted by the Harrisburg City Council this 28th day of June, 2022.



Mayor

Robert C Duncan
Printed Name



City Recorder

Lori K. Ross
Printed Name

ORDINANCE 984

**AN ORDINANCE OF THE CITY OF HARRISBURG DECLARING A BAN ON
PSILOCYBIN PRODUCT MANUFACTURING, PSILOCYBIN SERVICE CENTERS;
REFERRING ORDINANCE AND DECLARING AN EMERGENCY**

WHEREAS, Measure 109, which the voters adopted in November 2020, directs the Oregon Health Authority Permit to oversee the license, control, and regulation of the manufacturing of psilocybin products and of the provision of psilocybin services to persons 21 years of age and older;

WHEREAS, section 128 of Ballot Measure 109 provides that a City Council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of Psilocybin product manufacturers, Psilocybin service center operators, and any combination of Psilocybin product manufacturers, and Psilocybin service center operators in the area subject to the jurisdiction of the City;

WHEREAS, the City Council wants to refer the question of whether to prohibit the manufacture and administration of Psilocybin products to the voters of Harrisburg;

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF HARRISBURG ORDAINS AS FOLLOWS:

Section 1: Harrisburg Municipal Code Section 5.45 – Psilocybin Prohibition is added and reads as follows

5.45.010 – PURPOSE

The purpose of this chapter is to minimize any adverse public safety and public health impacts that may result from allowing Psilocybin manufacturing facilities or Psilocybin service centers in the City by prohibiting the establishment of certain state-registered and state-licensed Psilocybin businesses within the City of Harrisburg and is intended to further the following objectives:

- A. Prevent the distribution of Psilocybin to persons under 21 years of age;
- B. Prevent revenue from the sale of Psilocybin from going to criminal enterprises, gangs, and cartels;
- C. Prevent the diversion of Psilocybin from this state to other states;
- D. Prevent Psilocybin activity that is legal under state law from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- E. Prevent violence and the use of firearms in the cultivation and distribution of Psilocybin;
- F. Prevent drugged driving and the exacerbation of other adverse public health consequences associated with the use of Psilocybin.

5.45.020 DEFINITIONS.

1. "Manufacture" means the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its container.
2. "Psilocybin" means psilocybin or psilocin fungi or spores.
3. "Psilocybin products" means:
 - a. Psilocybin-producing fungi and their spores; and
 - b. Mixtures or substances containing a detectable amount of psilocybin.
4. "Psilocybin product manufacturer" means a person that manufactures psilocybin products in this state.
5. "Psilocybin service center" means a licensed establishment under regulations to be promulgated by the Oregon Health Authority:
 - a. At which administration sessions are held; and
 - b. At which other psilocybin services may be provided.
6. "Psilocybin services" means services provided to a person before, during, and after the person's consumption of a psilocybin product, including:
 - a. A preparation session;
 - b. An administration session; and
 - c. An integration session.


5.45.030 BAN DECLARED. As described in section 128 of Measure 109 (approved Nov. 3, 2020), the City of Harrisburg hereby prohibits the establishment of Psilocybin product manufacturer sites and Psilocybin service centers in the area subject to the jurisdiction of the City:

5.45.040 REFERRAL: This ordinance shall be referred to the electors of the City of Harrisburg at the next statewide general election on November 8, 2022.

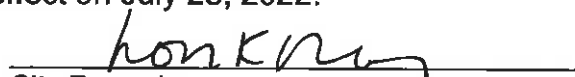
Section 2: EFFECTIVE DATE:

This Ordinance is effective upon approval of the voters and certification of the vote.

Section 3: EMERGENCY: This ordinance being necessary for the immediate preservation of public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on July 28, 2022.



Mayor



City Recorder

EXHIBIT 2

Ballot Title

PROHIBITS ESTABLISHMENT OF PSILOCYBIN MANUFACTURING AND SERVICE CENTERS IN HARRISBURG (10/10)

Question

Should Harrisburg prohibit the establishment of facilities that manufacture, deliver, or administer Psilocybin product within city limits? (17/20)

Summary

State law allows for the operation of licensed Psilocybin service centers and manufacturing facilities. State law provides that a City Council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed facilities within the area subject to the jurisdiction of the City.

Approval of this measure would prohibit the establishment of facilities that manufacture Psilocybin product or service centers that supervise Psilocybin administration and delivery to clients of the service center within the area subject to the jurisdiction of the city.

If this measure is approved, the city may be ineligible to receive distributions of state Psilocybin tax revenues, should any be created by the State legislature, and will be unable to impose a local tax or fee on the manufacturing or sale of psilocybin products.

(121/175)

EXHIBIT 3

EXPLANATORY STATEMENT:

Approval of this measure would prohibit the establishment of certain Psilocybin activities and facilities within the city.

Oregon Ballot Measure 109, approved Nov. 3, 2020, effective Dec. 3, 2020, created a state program for administering psilocybin products, such as psilocybin-producing mushrooms and fungi, to individuals aged 21 years or older. The Measure also provides that the Oregon Health Authority will register and license Psilocybin manufacturing sites, Psilocybin service centers, and entities that are any combination of the two. Psilocybin product manufacturers manufacture, grow, and harvest Psilocybin fungi into products intended for human consumption and use. Psilocybin service centers facilitate the transfer and administration of Psilocybin between a licensee or licensee agent and the client of the service center.

The Oregon Health Authority (OHA) will be responsible for establishing the program and creating regulations. OHA has a two-year period to develop the program. An Oregon Psilocybin Advisory Board (OPAB) advise the OHA. Clients would be allowed to purchase, possess, and consume psilocybin at a psilocybin service center and under the supervision of a psilocybin service facilitator after undergoing a preparation session. Under Measure 109, the Oregon Health Authority (OHA) determines who is eligible to be licensed as a facilitator, determine what qualifications, education, training, and exams are needed, and create a code of professional conduct for facilitators. OHA would set psilocybin dosage standards and labeling and packaging rules.

A City Council may adopt an ordinance prohibiting the establishment of licensed psilocybin product manufacturers or licensed psilocybin service centers within the City, but the Council must refer the ordinance to the voters at a statewide general election. The CITY OF HARRISBURG City Council has adopted an ordinance prohibiting the establishment of licensed psilocybin product manufacturers or licensed psilocybin service centers and, as a result, has referred this measure to the voters. Approval of this measure will prohibit any form of psilocybin service centers or manufacturer facilities within the limits of an incorporated city or town.

Approval of this measure may have revenue impacts. Currently, a state tax of fifteen percent will be added to all transactions relating to Psilocybin. A city may not impose any additional taxes on the sale of Psilocybin items by a Psilocybin product manufacturer or service center in the city.

329/500

