



I, Gayle V. Trotter, County Clerk for Malheur County,  
Oregon certify that the instrument identified herein was  
recorded in the Clerk records.  
Gayle V. Trotter - County Clerk

*led*

BEFORE THE COUNTY COURT  
FOR MALHEUR COUNTY, OREGON

In the Matter of Referring to the Voters of )  
Malheur County a Measure Prohibiting ) Resolution and Order  
Psilocybin Product Manufacturers and ) No. R22-22  
Service Centers and Adopting a Ballot Title )  
And Explanatory Statement )

WHEREAS, Ballot Measure 109, known as the Oregon Psilocybin Services Act, which passed in November 2020, requires the Oregon Health Authority (OHA) to being accepting applications for licenses to manufacture, deliver and administer psilocybin on January 2, 2023; and

WHEREAS, Ballot Measure 109 also allows local governments to prohibit psilocybin product manufacturers and service centers by referring an ordinance to the voters at a statewide general election; and

WHEREAS, following public hearings on July 27, 2022 and August 10, 2022, the Malheur County Court voted to enact and refer Ordinance 228 to the voters of Malheur County, which prohibits psilocybin product manufacturers and service centers in the unincorporated area of Malheur County.

**NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED:**

**Section 1.** The Malheur County Court refers to the November 8, 2022, election a ballot measure proposing a ban on psilocybin product manufacturers and service centers in the unincorporated area of Malheur County.

**Section 2.** The Court adopts the following ballot title and explanatory statement for this referral:

**CAPTION**

Prohibits psilocybin manufacturing and service centers in unincorporated Malheur County

**QUESTION**

Shall psilocybin product manufacturers and psilocybin service centers be prohibited in unincorporated Malheur County (area outside of any city limits)?

## SUMMARY

Oregon voters legalized the supervised use of psilocybin through Ballot Measure 109 (2020), which directs the Oregon Health Authority (OHA) to develop a psilocybin licensing and regulatory program by January 2, 2023.

Psilocybin is a psychedelic drug found in certain mushrooms. State law allows for the licensed manufacturing and supervised use of psilocybin in service centers. A county may adopt an ordinance to be referred to voters to prohibit the establishment of licensed psilocybin product manufacturers and/or service centers. The Malheur County Court adopted Ordinance 228 to refer to voters that prohibits such psilocybin businesses in the unincorporated area (outside of any city limits) of Malheur County. Ordinance 228 does not apply within the city limits of Vale, Ontario, Nyssa, Adrian or Jordan Valley.

A “yes” vote will prohibit psilocybin product manufacturers and service centers in the unincorporated area (all areas outside of any city limits) of Malheur County.

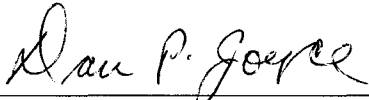
A “no” vote will allow psilocybin product manufacturers and service centers in the unincorporated area (all areas outside of any city limits) of Malheur County.

**Section 3.** The ballot title and explanatory/summary statement adopted by this resolution shall be filed with the county elections officer. County Counsel and the county elections officer are jointly and severally authorized and directed to take all necessary steps for and on behalf of the county to effectuate this resolution and order, including provide public notice and submitting required materials to the county elections officer to cause the measure to appear on the ballot for the November 8, 2022, election and to otherwise carry out the intent and purpose of this resolution and order.

**Section 4.** The court ordinance that is the subject of this referral is attached hereto and incorporated herein as Exhibit A.

Dated this 10th day of August 2022.

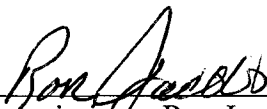
MALHEUR COUNTY COURT:



Judge Dan P. Joyce

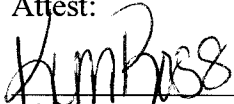


Commissioner Don Hodge



Commissioner Ron Jacobs

Attest:



Kim Ross, Recording Secretary

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**ORDINANCE 228**  
**BEFORE THE COUNTY COURT OF MALHEUR COUNTY, OREGON**

**AN ORDINANCE PROHIBITING THE ESTABLISHMENT OF PSILOCYBIN  
PRODUCT MANUFACTURERS AND PSILOCYBIN SERVICE CENTERS WITHIN  
THE UNINCORPORATED AREA OF MALHEUR COUNTY; A REFERRAL TO  
ELECTORS**

**WHEREAS**, in November 2020, Oregon voters approved Ballot Measure 109 (passed 56% to 44%), known as the Oregon Psilocybin Act (codified at ORS chapter 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

**WHEREAS**, in Malheur County voters did not pass Measure 109 with 3,475 (30.58%) votes in favor and 7,890 (69.42%) votes against the measure; and

**WHEREAS**, psilocybin is a psychedelic substance used for medicinal and religious purposes with common or street names, including: “magic mushrooms”, “shrooms” and “mushrooms”; 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 provisions 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**, ORS 475A.718 provides that a county governing body may adopt an ordinance to be referred to the electors of the county prohibiting the establishment of state-licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the county; and

**WHEREAS**, a prohibition on psilocybin product manufacturers and/or service centers, if approved by electors with the passing of this ordinance, will only apply within the unincorporated area of Malheur County and will not apply within the city limits of Nyssa, Vale, Ontario, Adrian or Jordan Valley as each city (or electors) will make the decision for itself; and

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**WHEREAS**, the County Court seeks to refer to the voters of Malheur County this Ordinance and the question of whether to ban state-licensed psilocybin product manufacturers and psilocybin service centers within unincorporated Malheur County.

NOW THEREFORE, THE PEOPLE OF MALHEUR COUNTY, OREGON, ORDAIN:

**Section 1. Prohibition/ Ban**

The establishment of psilocybin product manufacturers licensed under ORS 475A.290 and psilocybin service centers licensed under ORS 475A.305 are prohibited in the unincorporated area of Malheur County.

**Section 2. Referral to Voters**

This ordinance shall be referred to the electors of Malheur County at the General Election on Tuesday, November 8, 2022.

**Section 3. Oregon Health Authority**

This ordinance shall be provided to the Oregon Health Authority.

**Section 4. Effective Date**

This ordinance shall take effect and become effective 30 days after the day on which it is approved by a majority of voters.

**Section 5.**

Nothing herein is intended, nor shall it be construed, as amending, replacing or otherwise being in conflict with any other ordinances of Malheur County unless expressly so stated.

**Section 6.**

If any section, clause, phrase, or word of this Ordinance, shall for any reason be held invalid, unconstitutional, or unenforceable by a body of competent jurisdiction, the remainder of this Ordinance or its application and all portions not so stricken shall not be affected thereby and shall remain in full force and effect.

**Section 7.**

County Counsel is authorized to codify this Ordinance and to make any technical changes, not affecting its substance, as are reasonably necessary to accomplish codification.

PASSED AND ADOPTED this 10<sup>th</sup> day of August, 2022, being the final public hearing before the Malheur County Court.

Dan P. Joyce  
Dan P. Joyce, County Judge

Don Hodge  
Don Hodge, County Commissioner

Ron Jacobs  
Ron Jacobs, County Commissioner

Attest  
Kim Ross  
Kim Ross, Recording Secretary