

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

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 _____ day of _____, 2022, being the final public hearing before the Malheur County Court.

Dan P. Joyce, County Judge

Attest:

Kim Ross, Recording Secretary

Don Hodge, County Commissioner

Ron Jacobs, County Commissioner