

**RESOLUTION NO. 2022-07**

**A RESOLUTION REFERRING TO THE VOTERS OF THE CITY OF LAKESIDE AN ORDINANCE PROHIBITING PSILOCYBIN PRODUCT MANUFACTURERS AND PSILOCYBIN SERVICE CENTER OPERATORS WITHIN THE CITY OF LAKESIDE, OREGON, AND ADOPTING A BALLOT TITLE AND EXPLANATORY STATEMENT**

**WHEREAS**, Ballot Measure 109, known as the Oregon Psilocybin Services Act, which passed in November 2020 and is now codified in ORS chapter 475A, requires the Oregon Health Authority (OHA) to begin accepting applications for licenses to manufacture, deliver, and administer psilocybin on January 2, 2023; and

**WHEREAS**, ORS 475A.718 provides that the governing body of a city may adopt ordinances to be referred to the electors of the city that prohibit the establishment of licensed psilocybin product manufacturers and licensed psilocybin service center operators within the City's jurisdiction; and

**WHEREAS**, at a public meeting, held on July 14, 2022, the City of Lakeside City Council (the City Council) voted to adopt for referral to the voters Ordinance No. 22-303, to prohibit psilocybin product manufacturers and psilocybin service center operators within the City of Lakeside.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LAKESIDE:**

**Section 1.** The City Council refers to the November 8, 2022, election a ballot measure proposing a prohibition on psilocybin product manufacturers and psilocybin service center operators within the City of Lakeside as stated in Ordinance No. 22-303.

**Section 2.** The City Council adopts the following ballot title for referral:

CAPTION: Prohibits psilocybin-related businesses within the City of Lakeside.

QUESTION: Shall the City of Lakeside prohibit all psilocybin-related businesses within the City?

SUMMARY: State law permits persons licensed, controlled and regulated by the State to legally manufacture psilocybin products and provide psilocybin services to persons 21 years of age and older. Psilocybin is the psychedelic drug found in certain mushrooms. State law authorizes the governing bodies of cities and counties to adopt ordinances to be referred to the voters that prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators within the area subject to the city or counties jurisdiction. The City of Lakeside is referring to the voters an ordinance prohibiting psilocybin product manufacturers and psilocybin service center operators within the City.

Approval of this measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators within the area subject to the City of Lakeside's jurisdiction.

**Section 3.** The City Council adopts the explanatory statement for this measure which is attached as *Exhibit A* to this Resolution and incorporated herein by reference.

**Section 4.** The City Council orders this City election to be held in the City of Lakeside, Oregon, concurrently with the general election, on November 8, 2022, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes. The ballots shall be counted and tabulated, and the results certified as provided by law.

**Section 5.** If a majority of the legal voters of the City voting on this measure approve this measure, Ordinance 22-303 will take effect 30 days from the date approved by the voters with no other Council action needed, and Ordinance 22-303 is attached as *Exhibit B* and incorporated herein by reference.

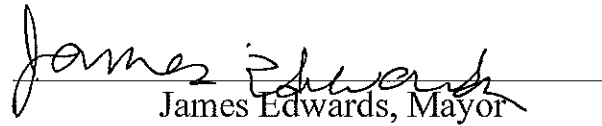
**Section 6.** This Resolution, including the proposed ballot title and explanatory statement shall be delivered to the City Recorder on the date of its adoption.

**Section 7.** The City Recorder shall give notice of this measure as required by law and take such other actions, including filing the ballot title and explanatory statement adopted by this Resolution with the elections officer, and otherwise proceed with the election as provided by law and as necessary to carry out the intent and purpose of this Resolution.

**Section 8.** This Resolution shall become effective immediately upon its adoption.

Passed and enacted by the Council of the City of Lakeside on this 14 day of July, 2022.

Signed by the Mayor this 19 day of July, 2022.

  
James Edwards, Mayor

ATTEST:

  
Melissa Bethel, City Manager/Recorder

## **Exhibit A**

### **Explanatory Statement**

Approval of this measure would prohibit the establishment and operation of psilocybin-related businesses within the City of Lakeside.

In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act, and now codified in Oregon Revised Statutes (ORS) Chapter 475A. That act allows the manufacture, delivery, and administration of psilocybin at facilities licensed by the Oregon Health Authority (OHA).

OHA has initiated a rulemaking process to implement the State's psilocybin program but has not yet completed that process. The uncompleted rulemaking leaves uncertainty in how the manufacture, delivery, and administration of psilocybin at licensed psilocybin facilities will operate within the City of Lakeside.

ORS 475A.718 authorizes the City Council to refer an ordinance prohibiting psilocybin product manufacturers and psilocybin service centers within the City of Lakeside's jurisdiction and the City Council desires to refer this prohibition to the voters.

**EXHIBIT B**  
**ADOPTED ORDINANCE**

**ORDINANCE NO. 22-303**

**AN ORDINANCE DECLARING A PROHIBITION ON PSILOCYBIN  
PRODUCT MANUFACTURERS AND PSILOCYBIN SERVICE CENTER  
OPERATORS WITHIN THE JURISDICTION OF THE CITY OF  
LAKESIDE, OREGON**

**WHEREAS**, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified as ORS chapter 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 will regulate the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and the provision 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 city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers, psilocybin service centers, or both uses in the area subject to the jurisdiction of the city; and

**WHEREAS**, the City of Lakeside City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the City of Lakeside's jurisdictional boundaries is in the best interest of the health, safety, and welfare of the people of the City of Lakeside.

**NOW THEREFORE, THE CITY OF LAKESIDE DOES ORDAIN AS  
FOLLOWS:**

**Section 1. Prohibition.**

The establishment of licensed psilocybin product manufacturers under ORS 475A.290 and licensed psilocybin service centers under ORS 475A.305 is prohibited within the City of Lakeside.

**Section 2. Referral.**

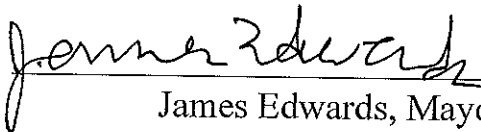
This ordinance is referred to the electors of the City of Lakeside for approval at the next statewide general election on November 8, 2022.

**Section 3. Effective Date.**

This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

Passed and enacted by the Council of the City of Lakeside on this 14 day of July, 2022.

Signed by the Mayor this 19 day of July, 2022.

  
James Edwards, Mayor

ATTEST:

  
Melissa Bethel, City Manager/City Recorder