



Jane E. Vetto
County Counsel

Scott C. Ciecko
Amanda Keller
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Hong Huynh
Caleb Huegel
Angela Hajjhashemi
Assistants

June 27, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Second Reading of Ordinance No. 02-2024, An Ordinance Permanently Banning Psilocybin Product Manufacturers and Psilocybin Service Centers in the Unincorporated Areas of Clackamas County

Previous Board Action/Review	Policy Session - May 15, 2024 First Reading - June 13, 2024		
Performance Clackamas	1. Build public trust through good government 4. Ensure safe, healthy and secure communities		
Counsel Review	Yes	Procurement Review	No
Contact Person	Caleb Huegel	Contact Phone	503-655-8364

EXECUTIVE SUMMARY: In the November 2020 election, Oregon voters passed Ballot Measure 109, known as the Oregon Psilocybin Services Act, which is codified at ORS chapter 475A. Measure 109 directs the Oregon Health Authority (OHA) to license and regulate psilocybin product manufacturers, psilocybin testing laboratories, psilocybin service centers, and psilocybin service facilitators in Oregon. In 2022, Oregon Psilocybin Services (OPS), a section of OHA’s Public Health Division, adopted administrative rules implementing Measure 109. Those rules, which were informed by recommendations from the Oregon Psilocybin Advisory Board (OPAB), are codified at OAR chapter 333, division 333. In January 2023, OPS began accepting license applications. Psilocybin service centers began opening their doors to clients in the summer of 2023.

Measure 109 allows the Board to adopt an ordinance banning psilocybin product manufacturers and/or psilocybin service centers in the unincorporated areas of Clackamas County. If the Board adopts such an ordinance, it must be referred to voters in the next statewide general election.

The Board adopted such an ordinance, designated Ordinance No. 05-2022, on July 28, 2022. That

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ordinance was approved in the November 2022 election. However, that ordinance is automatically repealed on December 31, 2024.

At a policy session on May 15, 2024, the Board directed staff to draft, for referral to voters in the November 2024 election, an ordinance permanently banning psilocybin product manufacturers and psilocybin service centers in the unincorporated areas of Clackamas County. That ordinance is attached. At a business meeting on June 13, 2024, the Board voted to read the ordinance by title only, and the ordinance was designated Ordinance No. 02-2024. If the Board adopts the ordinance, then County Counsel will prepare the materials necessary to ensure that it is properly submitted to the voters in the November 2024 election, including a ballot title and an explanatory statement, for the Board's review. Those materials must be filed with the elections official by August 16, 2024.

RECOMMENDATION: Staff recommends that the Board hold this public hearing and adopt Ordinance No. 02-2024.

Respectfully submitted,



Jane E. Vetto
County Counsel

ATTACHMENT: Ordinance No. 02-2024, An Ordinance Permanently Banning Psilocybin Product Manufacturers and Psilocybin Service Centers in the Unincorporated Areas of Clackamas County

Ordinance No. 02-2024

An Ordinance Permanently Banning Psilocybin Product Manufacturers and Psilocybin Service Centers in the Unincorporated Areas of Clackamas County

WHEREAS, in the November 2020 election, Oregon voters passed Ballot Measure 109, known as the Oregon Psilocybin Services Act, which is codified at ORS chapter 475A; and

WHEREAS, Ballot Measure 109 directs the Oregon Health Authority to license and regulate psilocybin product manufacturers and psilocybin service centers in Oregon; and

WHEREAS, ORS 475A.718 authorizes the Board to adopt an ordinance banning psilocybin product manufacturers and/or psilocybin service centers in the unincorporated areas of Clackamas County; and

WHEREAS, if the Board adopts such an ordinance, it must be referred to voters in the next statewide general election; and

WHEREAS, the Board believes that banning psilocybin product manufacturers and psilocybin service centers in the unincorporated areas of Clackamas County is in the best interest of the health, safety, and welfare of the people of Clackamas County; and

WHEREAS, the Board seeks to refer to the voters the question of whether to ban psilocybin product manufacturers and psilocybin service centers in the unincorporated areas of Clackamas County;

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

- Section 1:** The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the unincorporated areas of Clackamas County.
- Section 2:** This ordinance is referred to the electors of Clackamas County for approval at the next statewide general election on November 5, 2024.
- Section 3:** This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

ADOPTED this 27th day of June 2024.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary