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June 13, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

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

Table with 4 columns: Previous Board Action/Review, Performance Clackamas, Counsel Review, Contact Person. Includes details for Policy Session - May 15, 2024, and Contact Person Caleb Huegel.

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 05-2022, on July 28, 2022. That ordinance was approved in the November 2022 election. However, that ordinance is automatically repealed on December 31, 2024.

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As for the efficacy of psilocybin usage, OPS has been limited by Measure 109 in specific data collection mechanisms. This was addressed by Senate Bill 303 (2023), which will require service centers to collect detailed (disaggregated and deidentified) data regarding clients and their usage starting in 2025.

However, medical literature continues to support ongoing research and evaluation due to potential benefits and low risk of harm. Local and national institutions are continuing their research and finding ways to obtain more information on the efficacy of psilocybin usage in general and the Oregon program in particular.

3. How are the requirements of Measure 109 and OHA's rules enforced? What is the role of counties in that enforcement?

Counties have no role in enforcing Measure 109 and OHA's rules.

Measure 109 legalized the limited sale of psilocybin products grown by licensed manufacturers and tested at licensed laboratories for use at licensed service centers under the supervision of licensed facilitators.

If a person suspects that a licensee has violated Measure 109 or OHA's rules, then they may file a complaint with OHA. OHA may impose a civil penalty of up to \$5,000 for each violation. Law enforcement officers are authorized to assist OHA in detecting violations and apprehending offenders, and they are required to report suspected violations to the district attorney.

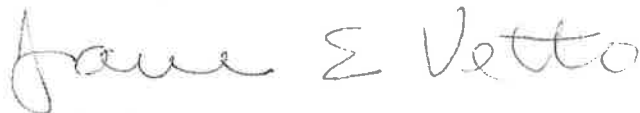
Sales and usage of psilocybin that are not authorized by Measure 109 and OHA's rules (e.g., unlicensed sales), and that are not decriminalized by Measure 110, remain illegal, criminal activity that should be reported to law enforcement.

4. How many counties adopted bans in 2022? Of those counties, how many are considering adopting another ban in 2024?

Twenty-four counties adopted bans in 2022. Of those, twenty were permanent, and four were temporary. When a local government adopts or repeals an ordinance banning psilocybin product manufacturers and/or psilocybin service centers, it must provide the text of the ordinance to OHA. As of June 5, 2024, OHA had not received ordinances from any of the four counties that adopted temporary bans in 2022.

RECOMMENDATION: Staff recommends that the Board hold this public hearing and schedule a second reading and public hearing of this ordinance on June 27, 2024, at 10:00 a.m.

Respectfully submitted,



Jane Vetto
County Counsel

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

Ordinance No. _____

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