



RESOLUTION No. 2022-3856

**A RESOLUTION REFERRING TO THE VOTERS OF THE CITY OF
NEWBERG A MEASURE PROPOSING A BAN ON PSILOCYBIN
SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN
PRODUCTS AND ADOPTING A BALLOT TITLE AND EXPLANATORY
STATEMENT**

RECITALS:

1. **WHEREAS**, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities.
2. **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.
3. **WHEREAS**, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the voters of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city.
4. **WHEREAS**, following a public hearing on July 18, 2022, the Newberg City Council voted to adopt for referral to the voters Ordinance No. 2905, to prohibit psilocybin-related businesses in Newberg.
5. **WHEREAS**, the City Council finds it would be in the public interest to refer the question of banning state-licensed psilocybin manufacturers and service centers within City limits to the voters.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council refers this resolution to the voters of the City of Newberg for approval at the next statewide general election on November 8, 2022.
2. The City Council adopts the following ballot title for referral:

CAPTION:

Prohibits psilocybin-related businesses within the City of Newberg.

QUESTION:

Shall the City of Newberg prohibit psilocybin-related businesses the City of
Newberg?

SUMMARY:

State law allows for the manufacturing, transportation, delivery, sale and purchase of psilocybin, the psychedelic drug found in certain mushrooms. State law provides that a local government may adopt an ordinance to be referred to the voters to prohibit the establishment of

licensed psilocybin product manufacturers and/or psilocybin service centers. The Newberg City Council adopted an ordinance to refer to the voters prohibiting the establishment of psilocybin-related businesses in Newberg and, as a result, has referred this measure to the voters.

Approval of the measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service centers within the Newberg city limits.

3. The City Council adopts the following explanatory statement for the ballot measure:

EXPLANATORY STATEMENT

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

A city council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the city, but the council must refer the ordinance to the voters at a statewide general election. The Newberg City Council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the City of Newberg and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the City of Newberg.

4. The ballot title and explanatory statement adopted by this resolution shall be filed with the city elections officer. The city attorney and city elections officer are jointly and severally authorized and directed to take all necessary steps for and on behalf of the city to effectuate this resolution, including providing 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.
5. The city ordinance that is the subject of this referral is attached hereto and incorporated herein as Exhibit A.

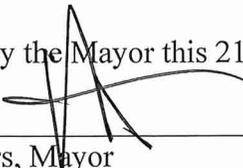
Effective Date of this resolution is the day after the adoption date, which is: July 19, 2022.

Adopted by the City Council of Newberg, Oregon, this 18th day of July, 2022



Zaira Robles Muñiz, Acting City Recorder

ATTEST by the Mayor this 21st day of July, 2022.



Rick Rogers, Mayor

EXHIBIT A
Resolution 2022-3856



ORDINANCE No. 2022-2905

**AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE
CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS**

RECITALS:

1. **WHEREAS**, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities.
2. **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.
3. **WHEREAS**, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the voters of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city.
4. **WHEREAS**, the Newberg City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries is in the public interest.
5. **WHEREAS**, the City Council finds it would be in the public interest to refer the question of banning state-licensed psilocybin manufacturers and service centers within City limits to the voters.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

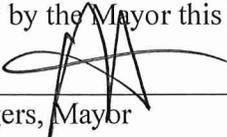
- The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Newberg.
- **Effective Date** of this ordinance is 30 days after the adoption date, which is August 18, 2022

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of July, 2022 by the following votes: **AYE: 6 NAY: 0 ABSTAIN: 0 ABSENT: 1 [Findley]**



Zaira Robles Muñoz, Acting City Recorder

ATTEST by the Mayor this 21st day of July, 2022.



Rick Rogers, Mayor