

A RESOLUTION OF THE CITY OF LEBANON) RESOLUTION NO. 2024-10
REFERRING TO THE VOTERS A MEASURE)
PROPOSING A PROHIBITION ON)
PHILOCYBIN RELATED BUSINESSES AND)
ADOPTING A BALLOT TITLE AND)
EXPLANATORY STATEMENT)

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

WHEREAS, Ballot Measure 109 also allows local governments to prohibit psilocybin related businesses by referring an ordinance to the voters at a statewide general election; and

WHEREAS, on August 10, 2022 the Lebanon City Council passed Ordinance No. 2985 declaring a temporary ban on Psilocybin Service Centers and the manufacture of psilocybin products in Lebanon and allow the City to consider reasonable time, place, and manner regulations; and

WHEREAS, The City Council referred to the November 8, 2022 election, a ballot measure proposing a two-year delay on psilocybin-related businesses in Lebanon which voters approved,

NOW, THEREFORE, the City Council resolves as follows:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON:

Section 1. The City Council refers to the November 5, 2024 election, a ballot measure proposing the prohibition of psilocybin related businesses within the City of Lebanon.

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

CAPTION:

Prohibition of psilocybin related businesses within the city of Lebanon.

QUESTION:

Shall psilocybin related businesses be prohibited within the city of Lebanon?

SUMMARY:

The Lebanon City council adopted an ordinance to refer to the voters that prohibits psilocybin related businesses in Lebanon. State law allows for the manufacturing, transportation, delivery, sale and possession of psilocybin, the psychedelic drug found in certain mushrooms. Psilocybin remains a Schedule I drug under the Federal Controlled Substances Act. 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 services centers within the City of Lebanon.

Approval of the measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service centers within the area subject to the jurisdiction of the city of Lebanon.

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

EXPLANATORY STATEMENT:

Psilocybin is a naturally occurring psychedelic compound found in over 200 species of mushrooms. Psilocybin is a Schedule I substance under the Federal Controlled Substance Act

In 2020 Oregon voters approved Ballot Measure 109, which allows for the manufacture, delivery, and administration of psilocybin at licensed facilities.

In 2022, after receiving Measure 109 information and holding a discussion, the Lebanon City Council unanimously passed an ordinance declaring a temporary ban on psilocybin service centers and the manufacture of psilocybin products and approved a resolution referring to the voters a measure proposing ban on psilocybin service centers and the manufacture of psilocybin products and adopting a ballot title for the November 2022 ballot.

During the 2022 Election, Measure 22-194 passed to ban the establishment of psilocybin product manufacturers and psilocybin services within Lebanon city limits until December 31, 2024.

During the October 2023 work session discussion about Measure 109 and State psilocybin facility regulations, Council consensus was to refer the issue to voters, but have a time, place, and manner ordinance prepared in case the vote is to allow these facilities in the City.

A “yes” vote would prohibit of the establishment and operation of psilocybin product manufacturers and psilocybin service centers within the city of Lebanon.

A “no” vote would allow the establishment and operation of psilocybin product manufacturers and psilocybin service centers within the city of Lebanon.

Measure 109 prohibits a city from adopting or enacting an ordinance imposing a tax or fee on psilocybin manufacturing or the provision of psilocybin services.

Consequently, approval of this measure should not have any revenue impacts on the city.


Section 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 directed to take all necessary steps to effectuate this resolution, in compliance with the applicable provisions of law to ensure the measure to appear on the ballot for the November 5, 2024, election and to otherwise carry out the intent and purpose of this resolution.

Section 5. The city ordinance that is subject of this referral is attached hereto and incorporated herein as Exhibit A.

Section 6. This resolution shall be effective immediately upon passage by the Lebanon City Council.

Passed by the Lebanon City Council on this 12th day of June 2024 by a vote of 6 yeas and 0 nays.

CITY OF LEBANON, LINN COUNTY, OREGON



Kenneth Jackola, Mayor
Michelle Steinhebel, Council President

ATTESTED BY:



Julie Fisher, City Clerk / Recorder

