

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 24-R-1266

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF BROOKINGS THE QUESTION OF BANNING PSILOCYBIN MANUFACTURING AND SERVICE CENTERS WITHIN THE CITY OF BROOKINGS.

WHEREAS, In November 2020, Oregon voters approved Measure 109, which directed the Oregon Health Authority to license and regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services; and

WHEREAS, Section 128 allows the City of Brookings the option to prohibit the establishment of psilocybin manufacturers and/or psilocybin service centers licensed under Measure 109 from operating in the area subject to the jurisdiction of the City; and

WHEREAS, The City finds it would be in the public interest to refer the question of banning psilocybin manufacturers and service centers within City limits to the electors.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brookings, Curry County, Oregon, as follows:

- 1. MEASURE:** A measure election is hereby called for the purpose of submitting to the electors of the City of Brookings a measure prohibiting the sale and establishment of certain psilocybin activities in the area subject to the jurisdiction of the City, a copy of which is attached hereto as "Exhibit A", and incorporated herein by reference.
- 2. ELECTION CONDUCTED BY MAIL:** The measure election shall be held in the City of Brookings on November 5, 2024. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Curry County, according to the procedures adopted by the Oregon Secretary of State.
- 3. DELEGATION:** The City of Brookings authorizes the City Recorder or their designee, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.
- 4. BALLOT TITLE:** The ballot title for the measure set forth as "Exhibit A" to this resolution is hereby adopted.

- 5. NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL:** Upon receiving the ballot title for this measure, the City Elections Officer shall publish in the next available edition of a newspaper of general circulation in the City a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.
- 6. FILING WITH COUNTY ELECTIONS OFFICE:** The City Elections Officer shall deliver the Notice of Measure Election to the Curry County Elections Office and the ballot title for inclusion on the primary election ballot to be held on Tuesday, November 5, 2024.
- 7. EXPLANATORY STATEMENT:** The explanatory statement for the measure, which is attached hereto as "Exhibit B", and incorporated herein by reference, is hereby approved.
- 8. EFFECTIVE DATE OF THIS RESOLUTION:** This Resolution shall become effective immediately upon its adoption.

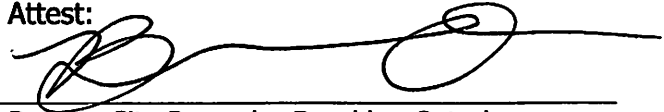
BE IT FURTHER RESOLVED that

Passed by the City Council July 22, 2024.



Mayor Isaac Hodges

Attest:



Deputy City Recorder Brooklyn Osterhage

EXHIBIT A

BALLOT TITLE:

PROHIBITS PSILOCYBIN PRODUCT MANUFACTURING AND SERVICE CENTERS IN BROOKINGS

QUESTION:

SHALL CITY OF BROOKINGS PROHIBIT PSILOCYBIN PRODUCT MANUFACTURERS AND PSILOCYBIN SERVICE CENTER OPERATORS FROM DOING BUSINESS WITHIN CITY LIMITS?

SUMMARY:

State law allows the establishment of licensed psilocybin product manufacturers and service center operators. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of these licensed activities within city limits. Approval of this measure would prohibit the establishment and operation of psilocybin product manufacturers that hold a license issued under ORS 475A.290 and psilocybin service center operators that hold a license issued under ORS 475A.305 within the area subject to the jurisdiction of the City of Brookings.

EXHIBIT B

EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment and operation of certain psilocybin product manufacturers and service center operators licensed by the Oregon Health Authority. Psilocybin mushrooms are wild or cultivated mushrooms that contain psilocybin, a naturally occurring psychoactive and hallucinogenic compound.

Measure 109, approved by Oregon voters in November 2020, provides that the Oregon Health Authority shall license and regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services.

Under Measure 109, cities and counties may place referendums on local ballots to prohibit psilocybin-product manufacturers and/ or psilocybin service centers within their jurisdictions. The City Council of Brookings has adopted a resolution referring this measure to ban such uses in Brookings city limits to the voters.

If approved, this measure would prohibit licensed psilocybin product manufacturers and service center operators from operating within the City.

The authority to impose a tax or fee on the manufacturing or sale of psilocybin products, or the provision of psilocybin services in Oregon is vested solely in the Legislative Assembly. Additionally, 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.