



ORDINANCE #2814-2022

AN ORDINANCE OF CITY OF ONTARIO DECLARING A BAN ON PSILOCYBIN-RELATED BUSINESSES IN THE CITY, INCLUDING PSILOCYBIN PRODUCT MANUFACTURERS AND SERVICE CENTER OPERATORS

WHEREAS, City of Ontario (“City”) has all the powers that the constitutions, statutes, and common laws of the United States and Oregon expressly or impliedly grant or allow City; and

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; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority (“OHA”) will regulate the manufacture, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, OHA will begin accepting applications for licensure to manufacture, deliver, and administer psilocybin on January 2, 2023; and

WHEREAS, OHA has initiated a rulemaking process to implement the state’s psilocybin regulatory program. As of July ____, 2022, OHA has not completed the rulemaking process. Oregon counties and cities are uncertain how the manufacture, delivery, and administration of psilocybin at licensed psilocybin facilities will operate within local jurisdictions; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the city’s jurisdiction; and

WHEREAS, the city council (the “Council”) for City of Ontario (“City”) adopted Ordinance No. ____, which ordinance prohibits state-licensed psilocybin manufacturers and psilocybin-related businesses in City’s jurisdictional boundaries to be referred to the voters at the next statewide general election held on November 8, 2022; and

WHEREAS, the Council desires to refer the question of whether to prohibit (i.e., ban) state-licensed psilocybin manufacturers and psilocybin-related businesses to the voters of City at the next statewide general election held on November 8, 2022.

NOW, THEREFORE, the City of Ontario ordains as follows:

1. Findings. The above-stated findings are hereby adopted.

2. Short Title. This Ordinance No. _____ (this “Ordinance”) may be referred to as the “Psilocybin Prohibition Ordinance.”

3. Purpose. The purpose of this Ordinance is to prohibit (i.e., ban) the operation and/or establishment of psilocybin-related businesses within City, subject to voter approval.

4. Prohibition. Subject to voter approval, City hereby prohibits the establishment and/or operation of the following in any area subject to City’s jurisdiction: (a) psilocybin product manufacturers licensed under ORS 275A.290; (b) psilocybin service center operators licensed under ORS 275A.305; and/or (c) any combination of the entities described in this Section 4.

5. Notice to OHA. City’s city manager (or his or her designee) will notify OHA of City’s adoption of this Ordinance and provide the text of this Ordinance to OHA in a form and manner prescribed by OHA.

6. Referral. This Ordinance will be referred by council resolution to City’s electors at the next statewide general election held on November 8, 2022.

7. Interpretation; Severability; Errors. This Ordinance supersedes all City ordinances, resolutions, and/or policies in conflict with this Ordinance (but only to the extent in conflict with this Ordinance). All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. Any reference to a particular law, rule, regulation, code, and/or ordinance includes the law, rule, regulation, code, and/or ordinance as now in force and which may hereafter be amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

8. Effective Date. This Ordinance will be effective for all purposes 30 days after the date on which it is approved by City’s voters.

This Ordinance was PASSED by the City Council by a vote of ___ for and ___ against and APPROVED by the mayor this ___ day of _____, 2022.

Riley Hill, Mayor

ATTEST:

Tori Barnett, City Recorder