

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Imposing a Temporary)
Prohibition on Psilocybin Service Centers and the) ORDINANCE NO. 2022-3
Manufacture of Psilocybin Products and Declaring)
an Emergency)

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2022-3.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to the powers of Columbia County under ORS 475A.718 and ORS 203.035.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to impose a temporary prohibition on the establishment of psilocybin product manufacturers licensed under ORS 475A.290, as well as on psilocybin service centers licensed under ORS 475A.305, within the unincorporated area of Columbia County. The purpose of the temporary prohibition is to ban the establishment of such facilities until regulations have been adopted by the Oregon Health Authority (“OHA”) in accordance with ORS 475A.235, and allow the County to develop comprehensive zoning regulations consistent with the regulations ultimately adopted by OHA related to psilocybin. Further, the County seeks to avoid the need to adopt local land use regulations that would need to be revisited for consistency and compliance with the new OHA rules immediately after the OHA rules become effective.

SECTION 4. HISTORY.

In November of 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act, which has been codified at ORS Chapter 475A. It becomes effective on January 1, 2023 and authorizes the manufacture, delivery and administration of psilocybin and licensed psilocybin facilities. ORS 475A.235 provides that the OHA is to regulate the manufacture, transportation, delivery, purchase and sale of psilocybin products, and the provision of psilocybin services, in Oregon. However, while OHA has initiated a rulemaking process to implement a psilocybin regulatory program, it has not yet completed that process and it is not anticipated that it will be completed by the end of 2022. ORS 475A.718 authorizes the

County to adopt an ordinance to be referred to its electors that prohibits the establishment of psilocybin product manufacturers and/or Psilocybin service center operators in the area subject to the County's jurisdiction.

SECTION 5. TEMPORARY PROHIBITION.

The establishment of psilocybin product manufacturers licensed under OAR 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the unincorporated area of Columbia County.

SECTION 6. REFERRAL.

This ordinance is referred to the electors of Columbia County at the next statewide general election on November 8, 2022.

SECTION 7. SUNSET.

This ordinance is repealed on December 31, 2024 unless earlier repealed in accordance with ORS 475A.538.

SECTION 8. ENFORCEMENT.

This Ordinance shall be enforceable under the Columbia County Enforcement Ordinance. Violators of this Ordinance are subject to the penalties provided in the Columbia County Enforcement Ordinance. Pursuant to Section 11 of the Enforcement Ordinance, the Columbia County Sheriff and any other person that the Board of Commissioners specifically approves are authorized to issue citations under this Ordinance.

SECTION 9. REMEDIES NOT EXCLUSIVE.

The remedies available under the Columbia County Enforcement for a violation of the temporary prohibition imposed by this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law. Columbia County may, in its discretion, seek cumulative remedies for a violation of the temporary prohibition imposed by this Ordinance.

SECTION 10. SEVERABILITY.

If for any reason any court of competent jurisdiction holds any portion of this Ordinance to be invalid, and such holding is upheld on any appeal, such portion shall be deemed a separate, distinct and independent portion. Any such holding shall not affect the validity of the remaining portions.

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SECTION 11. SCRIVENER’S ERRORS.

Any scrivener’s errors in this Ordinance may be corrected by order of the Board of County Commissioners.

SECTION 12. EMERGENCY

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect immediately upon adoption.

DATED this 10th day of August, 2022.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Henry Heimuller, Chair

By: _____
Margaret Magruder, Commissioner

By: _____
Casey Garrett, Commissioner

Approved as to form

By: _____
Office of County Counsel

Attest

By: _____
Recording Secretary

First Reading: _____
Second Reading: _____
Effective Date: _____