



BOARD OF COMMISSIONERS

Agenda Item Summary

Agenda Category: Public Hearing

Item No:

Meeting Date: July 19, 2022

Time Certain: 8:50 a.m.

Department: Board of County Commissioners

Issue: First hearing on proposed Ordinance # 95.00

Background: In November 2020, Ballot Measure 109 was passed by the electors of Oregon, thereby creating a program to permit licensed service providers to administer psilocybin-producing mushroom and fungi products to individuals 21 years of age or older. ORS 475A.718 allows the governing body of a county to adopt an ordinance to be referred to the electors of the county at the next statewide general election to determine whether to prohibit the establishment of Psilocybin Product Manufacturers and Psilocybin Service Center Operators. Any prohibition on Psilocybin approved by the electors will only apply within the unincorporated areas of Klamath County and will not impact Psilocybin operations or businesses within any city limits. The proposed Ordinance is attached.

Recommended Motion: Hold the first hearing for discussion and the taking of public testimony (if any) on the proposed Ordinance. The second and final hearing is scheduled for August 2, 2022 @8:45. Fiscal impact: Publication costs to the Herald and News for the hearings - \$142.80 from the BOCC legal notice publish budget 1000-1050-1051-1000-62030

DONE AND DATED this 19th Day of July, 2022.

Chair

Approved

Denied

Vice-Chair

Approved

Denied

Commissioner

Approved

Denied

KLAMATH COUNTY BOARD OF COMMISSIONERS

KLAMATH COUNTY, OREGON

**IN THE MATTER OF AN ORDINANCE)
PROHIBITING THE ESTABLISHMENT OF) ORDINANCE NO. 95.00
PSILOCYBIN PRODUCT MANUFACTURERS AND))
PSILOCYBIN SERVICE CENTER OPERATORS))
WITHIN UNINCORPORATED KLAMATH))
COUNTY, REFERRAL TO THE ELECTORS)**

WHEREAS, in November 2020, Ballot Measure 109 was passed by the electors of Oregon, thereby creating a program to permit licensed service providers to administer psilocybin-producing mushroom and fungi products to individuals 21 years of age or older; and

WHEREAS, Ballot Measure 109 has been codified as ORS 475A.718; and

WHEREAS, ORS 475A.718 allows that the governing body of a county may adopt an ordinance to be referred to the electors of the county at the next statewide general election to determine whether to prohibit the establishment of Psilocybin Product Manufacturers and/or Psilocybin Service Center Operators; and

WHEREAS, any prohibition on Psilocybin approved by the electors will only apply within the unincorporated areas of Klamath County and will not impact Psilocybin operations or businesses within any city limits; and

WHEREAS, to date the Oregon Health Authority has not completed rulemaking necessary to provide regulatory oversight of Psilocybin Product Manufacturers and Psilocybin Service Center Operators; and

WHEREAS, the Board of Commissioners believes that the timing is appropriate to refer this matter to the voters of Klamath County, as authorized by Ballot Measure 109 and ORS 475A.718.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF KLAMATH COUNTY, OREGON, ORDAINS as follows:

Section 1. This ordinance shall be referred to the electors of Klamath County at the General Election on Tuesday, November 8, 2022.

Section 2. In accordance with ORS 475A.718, and subject to the vote of the electors at the November 8, 2022 General Election, the following are prohibited in the unincorporated areas subject to the jurisdiction of Klamath County:

- (a) Psilocybin Product Manufacturing;

(b) Psilocybin Service Center Operations;

Section 3. The text of this ordinance shall be provided to the Oregon Health Authority.

Section 4. Effective Date. Pursuant to ORS 203.045(9), this ordinance takes effect upon approval of a majority of those voting on the proposed ordinance.

DONE and DATED this ____ day of _____, 2022.

KLAMATH COUNTY BOARD OF COUNTY COMMISSIONERS

David A. Henslee

Kelley Minty

Derrick DeGroot

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Marcus M. Henderson, County Counsel