

**BE IT REMEMBERED**, that at a regular term of the Board of Commissioners of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Commissioner, when were present:

<b>The Honorable</b>	<b><u>Donna Beverage</u></b>	<b><u>Chair</u></b>
	<b><u>Paul Anderes</u></b>	<b><u>Commissioner</u></b>
	<b><u>R. Matthew Scarfo</u></b>	<b><u>Commissioner</u></b>

WHEN, on WEDNESDAY, the \_\_\_\_\_ day of August 2022, among others the following proceedings were had to-wit:

<b>IN THE MATTER OF AN EMERGENCY ADOPTION )</b>	
<b>OF AN ORDINANCE REFERRING TO THE VOTERS )</b>	<b>ORD 2022- 01</b>
<b>at the November 2022 General Election )</b>	
<b>prohibiting the establishment of psilocybin )</b>	
<b>production, manufacturing or service centers )</b>	
<b>under the Oregon Psilocybin Services Act )</b>	
<b>(Measure 109) ESTABLISHED RULES AND )</b>	
<b>REGULATIONS )</b>	

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 Union County 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 County; and

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

NOW THEREFORE, THE BOARD OF COMMISSIONERS, COUNTY OF UNION, STATE OF OREGON, RESOLVES AS FOLLOWS:

**SECTION 1: MEASURE**

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of Union County a measure prohibiting the sale and establishment of certain psilocybin activities in the area subject to the jurisdiction of Union County, a copy of which is attached hereto as " Exhibit A," and incorporated herein by reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in Union County on November 8, 2022. As required by ORS 254. 465, the measure election shall be conducted by mail by the County Clerk of Union County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. Union County authorizes the County Planning Director, or his/her designee, to act on behalf of the County 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.

PREPARATION OF BALLOT TITLE. The ballot title for the measure set forth as Exhibit A" to this ordinance is hereby adopted.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the County Clerk shall publish in the next available edition of a newspaper of general circulation in the County a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

IN THE MATTER OF AN EMERGENCY ADOPTION )  
OF AN ORDINANCE REFERRING TO THE VOTERS )  
at the November 2022 General Election )  
prohibiting the establishment of psilocybin )  
production, manufacturing or service centers )  
under the Oregon Psilocybin Services Act )  
(Measure 109) ESTABLISHED RULES AND )  
REGULATIONS )

ORD 2022- 01

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as "Exhibit" B," and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The County shall deliver the Notice of Measure Election to the Union County Clerk for inclusion on the ballot for the November 8, 2022 election.

**Section 2: Emergency Adoption.** An emergency is hereby declared to make this ordinance effective immediately to ensure public safety in the absence of guidance from OHA. This ordinance is effective upon adoption.

DULY PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS, COUNTY OF UNION, STATE OF OREGON ON THE DATE LAST WRITTEN BELOW.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Donna Beverage, CHAIR

\_\_\_\_\_  
Paul Anderes, COMMISSIONER

\_\_\_\_\_  
R. Matthew Scarfo, COMMISSIONER

ATTEST:

\_\_\_\_\_  
Shelley Burgess, County Administrator

EXHIBIT A

BALLOT TITLE

**CAPTION:** PROHIBITS PSILOCYBIN PRODUCT MANUFACTURING AND SERVICE CENTERS IN UNION COUNTY

**QUESTION:** SHALL UNION COUNTY PROHIBIT PSILOCYBIN PRODUCT MANUFACTURERS AND PSILOCYBIN SERVICE CENTER OPERATORS FROM DOING BUSINESS WITHIN THE COUNTY

**SUMMARY:** State law allows the establishment of licensed psilocybin product manufacturers and service center operators. State law provides that a county board of commissioners may adopt an ordinance to be referred to the voters to prohibit the establishment of any of these licensed activities within county jurisdiction. 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 Union County.

## 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 Board of Commissioners of Union County has adopted an ordinance referring this measure to ban such uses in Union County jurisdiction to the voters.

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

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 County 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 County.