



**City of Prineville**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
**CITY HALL**  
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June 14, 2016

To: City Council

From: Phil Stenbeck, CFM, Planning Director

Re: Ordinance No. 1215 – Recreational Marijuana (Measure 91).

As you may recall at the last City Council meeting on May 24, 2016, staff requested direction on Ordinance No. 1215. Ordinance No. 1215 is the ordinance which established the City of Prineville Recreational Marijuana Code Chapter 153B.

City staff asked about the City Council's recommendation and vote which passed Ordinance No. 1215 on June 23, 2016. Ordinance No. 1215 was intended to tie implementation of the City of Prineville Recreational Marijuana Code Chapter 153B to legalization of marijuana by the Federal Government. Ordinance No. 1215 ties implementation of the City's Recreational Marijuana Code to removal from the DEA's Schedule 1 list of Controlled Substances which seems to be slightly different.

At the last meeting you requested City staff provide two options for the Council to choose from pertaining to authorization of Recreational Marijuana business activities in Prineville. After talking with four local pharmacists and the Oregon Pharmacy Board, staff is providing the following two options per Council's request:

***The fourth paragraph of Ordinance No. 1215 and Section 9 of Ordinance 1215 currently reads as follows:***

*"WHEREAS, because the federal government has classified marijuana as a Schedule 1 drug, the City of Prineville does not want this Ordinance to go into effect until the classification of marijuana by the federal government has been reduced; and"*

*Section 9 reads: "Effective Date. Section 6 of this Ordinance shall become effective on the 30th day after adoption of this Ordinance. The other sections of this Ordinance shall become effective the day after the federal government reduces the classification of marijuana to less than a Schedule 1 drug."*

**Option #1: Update the above two paragraphs of Ordinance No. 1215 to read as follows:**

*"WHEREAS, because the federal government has classified marijuana as a Schedule 1 drug, the City of Prineville does not want this Ordinance to go into effect until the classification of marijuana by the federal government has been reduced to a Schedule 4 or lower classification on the DEA's controlled substance schedule; and"*

*Section 9 would read: "Effective Date. Section 6 of this Ordinance shall become effective on the 30th day after adoption of this Ordinance. The other sections of this Ordinance shall become effective the day after the federal government reduces marijuana to a Schedule 4 or lower classification on the DEA's controlled substance schedule."*

***(Important Note: Marinol (dronabinol aka "Synthetic Marijuana") currently available by prescription at a Pharmacy is classified as a Schedule 3 on the DEA's Controlled Substance list.)***

**Option #2: Update the above two paragraphs of Ordinance No. 1215 to read as follows:**

*"WHEREAS, because the federal government has classified marijuana as a Schedule 1 drug, the City of Prineville does not want this Ordinance to go into effect until marijuana is no longer classified on the DEA's controlled substance schedule; and"*

*Section 9: "Effective Date. Section 6 of this Ordinance shall become effective on the 30th day after adoption of this Ordinance. The other sections of this Ordinance shall become effective the day after marijuana is removed from the DEA's controlled substance schedule."*

The DEA Controlled Substance Schedule has 5 levels and is shown on the next page.





### Definition of Controlled Substance Schedules

Drugs and other substances that are considered controlled substances under the Controlled Substances Act (CSA) are divided into five schedules. An updated and complete list of the schedules is published annually in [Title 21 Code of Federal Regulations \(C.F.R.\) §§ 1308.11 through 1308.15](#). Substances are placed in their respective schedules based on whether they have a currently accepted medical use in treatment in the United States, their relative abuse potential, and likelihood of causing dependence when abused. Some examples of the drugs in each schedule are listed below.

#### Schedule I Controlled Substances

Substances in this schedule have no currently accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse.

Some examples of substances listed in Schedule I are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3,4-methylenedioxymethamphetamine ("Ecstasy").

#### Schedule II/IIN Controlled Substances (2/2N)

Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence.

Examples of Schedule II narcotics include: hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®, Percocet®), and fentanyl (Sublimaze®, Duragesic®). Other Schedule II narcotics include: morphine, opium, codeine, and hydrocodone.

Examples of Schedule IIN stimulants include: amphetamine (Dexedrine®, Adderall®), methamphetamine (Desoxyn®), and methylphenidate (Ritalin®).

Other Schedule II substances include: amobarbital, glutethimide, and pentobarbital.

#### Schedule III/IIN Controlled Substances (3/3N)

Substances in this schedule have a potential for abuse less than substances in Schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence.

Examples of Schedule III narcotics include: products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with Codeine®), and buprenorphine (Suboxone®).

Examples of Schedule IIN non-narcotics include: benzphetamine (Didrex®), phendimetrazine, ketamine, and anabolic steroids such as Depo®-Testosterone.

#### Schedule IV Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances in Schedule III.

Examples of Schedule IV substances include: alprazolam (Xanax®), carisoprodol (Soma®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restonil®), and triazolam (Halcion®).

#### Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in Schedule IV and consist primarily of preparations containing limited quantities of certain narcotics.

Examples of Schedule V substances include: cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC®, Phenergan with Codeine®), and ezogabine.