



**GLPC AGENDA ITEM # 5**  
NOVEMBER 27, 2023

**Variance Request by Chancy Drugs**  
**File #: HA-2023-04**

Chancy Drugs is requesting a Variance to the minimum distance spacing requirements for State licensees to dispense "low THC oils or products", pursuant to O.C.G.A. Section 16-12-215. The subject property contains an existing pharmacy and is located at 205 East Main Street. This is along the north side of the road, between North West Street and North Nelson Street.

This is not a Variance to city regulations but instead, it is a unique Variance to the State licensing requirements that is specifically prescribed in State law to be reviewed and acted upon by the local government. The State requirement in this case is that such pharmacies seeking special license from the State to sell these kinds of products, must be located at least 1,000 feet from any school, commercial daycare facility, or church. The subject property is located only 570 feet from Hahira Middle School, and is within 1,000 feet of 4 local churches as well as one daycare facility.

The applicant's Letter of Intent (see attached) explains the nature of this request in further detail. Among other considerations, it is important to note that the overall intent behind these State licensing requirements, is the notion that any resident in the State who has a legitimate medical prescription for these products, is able to obtain them without having to potentially travel great distances. The State's concern in all of this, particularly in smaller communities, is that the 1,000 foot distance requirement might preclude ANY pharmacy within a given community from even being able to apply for the special license, and therefore all such residents would be forced to travel to another community – perhaps some distance away. The State would prefer the local government to make that kind of decision on behalf of its own residents, and hence this "Variance" process. It should also be noted that the City's granting of this Variance does NOT in itself approve the State license to sell these highly regulated products. The applicant is simply seeking "eligibility" in order to apply to the State for this specialty license, even though they are non-compliant with the State's 1,000-foot distance requirement. In this particular case, it should be noted that the applicant is the ONLY pharmacy currently located in Hahira, which means that without the eligibility to apply, ALL such residents in Hahira would certainly be forced to travel outside the City in order to find a pharmacy that is licensed to sell these products. Under these particular circumstances, staff believes that this Variance approval is certainly warranted.

**Staff Recommendation:**

Recommend approval to the Hahira City Council.