



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.

HA-2023-04 Zoning Location Map

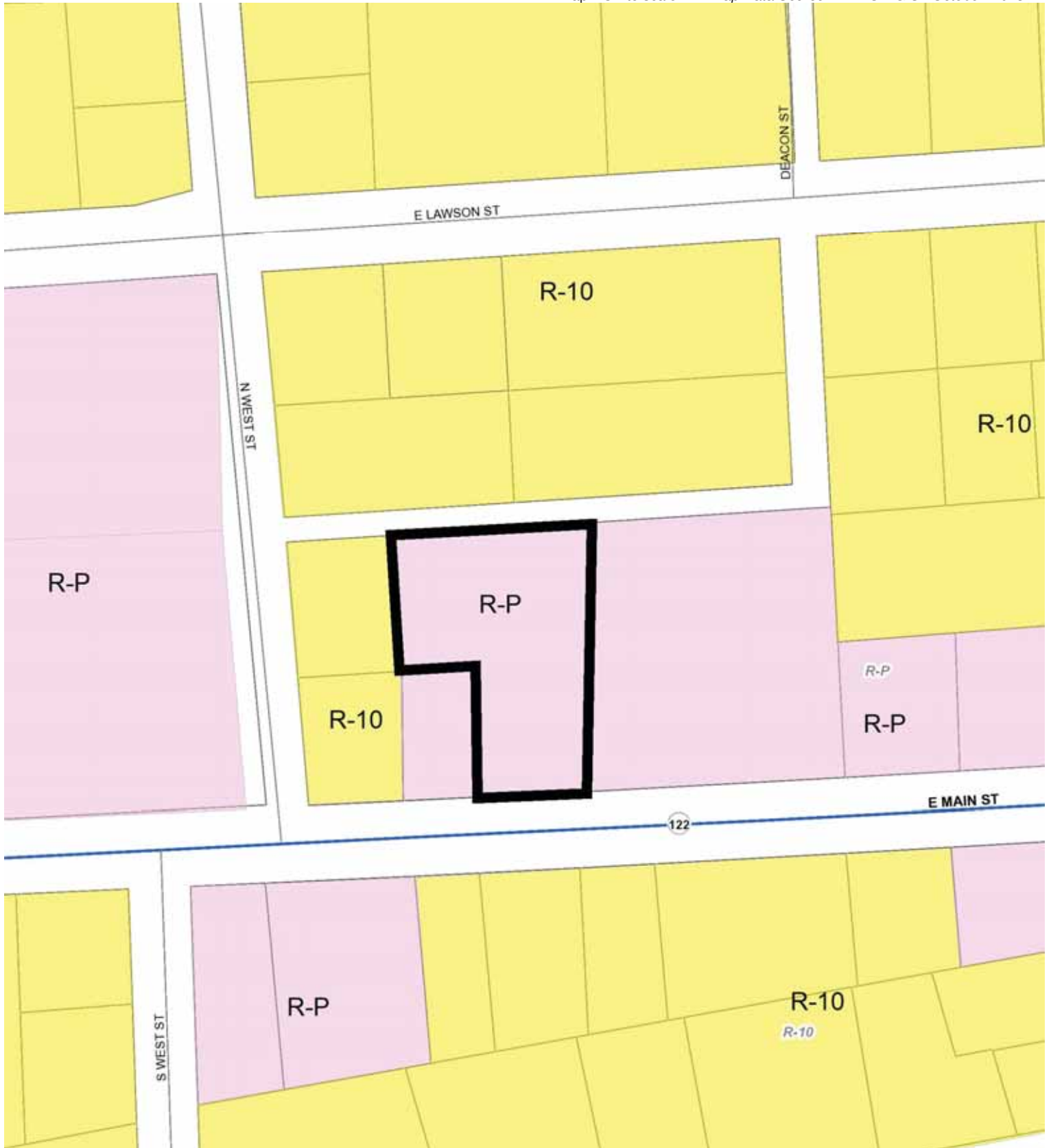


Chancy Drugs
Variance Request

205 East Main Street
Tax Map # 0046B Parcel # 002

Current Zoning = R-P

** Map NOT to scale Map Data Source: VALOR GIS October 2023



HA-2023-04 Aerial Location Map



Chancy Drugs
Variance Request

205 East Main Street
Tax Map # 0046B Parcel # 002

2007 Aerial Imagery

** Map NOT to scale Map Data Source: VALOR GIS October 2023



Letter of Intent

October 23, 2023

City of Hahira
300 North Lee Street
Valdosta, GA 31603

RE: Variance Application/ Letter of Intent

To Whom It May Concern:

I am writing to respectfully request a variance for Chancy Drugs, located at 205 East Main Street, Hahira, GA, as outlined in O.C.G.A. 16-12-215(a) regarding proximity to covered entities and, in our case Hahira Middle School. Our intention is to ensure the responsible and regulated dispensing of medical cannabis within our community, aligning with the evolving healthcare needs and advancements in medical treatment.

Chancy Drugs is a trusted and respected pharmacy in our community. We take pride in our commitment to patient care, offering a range of pharmaceutical services to meet the diverse healthcare needs of our community. We believe that including medical cannabis in our offerings can significantly benefit patients suffering from debilitating medical conditions.

The medical benefits of medical cannabis have been widely acknowledged and supported by a growing body of scientific research. Numerous studies have demonstrated its potential to alleviate symptoms associated with chronic pain, epilepsy, multiple sclerosis, and chemotherapy-induced nausea, among others. By incorporating low-THC into our dispensing services, we aim to provide patients with an additional therapeutic option that can enhance their quality of life and overall well-being.

It is crucial to highlight that our proposal strictly adheres to all relevant state and local regulations governing the dispensing of these substances. As with controlled substances we already dispense, we understand the importance of ensuring patient safety, maintaining strict inventory control, and upholding the highest ethical and professional standards. Our dedicated team of pharmacists will work closely with healthcare providers to educate patients, provide appropriate dosing guidance, and monitor treatment outcomes effectively and within the law's strict requirements.

In seeking this variance approval, we acknowledge the concerns related to the proximity of covered entities. We assure you that we have taken these factors into careful consideration. We are committed to implementing appropriate security measures, including stringent access control, comprehensive surveillance systems, and other necessary precautions to maintain the integrity and safety of our premises.

By granting this variance request, you would not only support patients in need of alternative or, in some cases, safer treatment options. But also contribute to the overall advancement of healthcare in our community. Your decision would provide patients with a reputable and regulated source of medical cannabis, ultimately discouraging the reliance on unregulated and potentially unsafe channels.

HA-2023-04

We kindly request your consideration of our proposal and its potential benefits for our community's well-being. We are happy to provide any additional information, participate in public hearings, or address any concerns that may arise during this process.

Sincerely,



Hugh Chancy, Owner
Chancy Drugs Hahira



Bert Chancy, Owner
Chancy Drugs Hahira

O.C.G.A. § 16-12-215

Current through the 2023 Regular Session of the General Assembly.

Title 16 Crimes and Offences

Chapter 12 Offenses Against Public Health and Morals

Article 9 Access to Medical Cannabis

Part 2 Role of Commission

16-12-215 Limitation on locations; advertising or marketing prohibited; information available to physicians.

(a) No licensee shall operate in any location, whether for cultivation, harvesting, and processing of marijuana or for processing, manufacturing, packaging, or distributing low THC oil or products, within a 3,000 foot radius of a covered entity, measured from property boundary to property boundary. **No dispensing licensee may operate in any location within a 1,000 foot radius of a covered entity, measured from property boundary to property boundary.** Notwithstanding the provisions of this subsection, local governments may, via use of existing zoning powers otherwise provided by law, allow dispensing licensees only to locate in places other than those provided in this subsection so long as such modification is needed to allow retail outlets to be established to service registered patients residing within such local jurisdiction. As used in this subsection, the term “covered entity” means a public or private school; an early care and education program as defined in Code Section 20-1A-2; or a church, synagogue, or other place of public religious worship, in existence prior to the date of licensure of such licensee by the commission or State Board of Pharmacy.

(b) No licensee shall advertise or market low THC oil or products to registered patients or the public; provided, however, that a licensee shall be authorized to provide information regarding its low THC oil and products directly to physicians.