**Section 1000.70 Variances**

a) The Department may grant variances from this Part in individual cases when it finds that:

1) The applicable provision is not statutorily mandated;

2) No party will be injured by the granting of the variance;

3) The provision from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome; and

4) The variance requested is from the requirements of:

A) Section 1000.220(a)(1) to allow a cultivation center to be located within 1000 feet of a dispensary; or

B) Section 1000.40(b)(4) to allow the exchange or sale of seedlings, clones or cuttings of strains of cannabis between cultivation centers in the event of a shortage due to a catastrophic event or to promote the development and production of strains that are beneficial to patients.

b) Any request for a variance shall be in writing (an original and 2 copies) and shall include the following:

1) Identification of the specific requirement in question;

2) A description of the variance;

3) The rationale for the variance and why the provision or requirement is unreasonable or unnecessarily burdensome in the particular case;

4) An explanation as to why no party will be injured if the variance is granted; and

5) The fee required by Section 1000.140.

c) Upon receipt of a request for a variance, the Director will appoint an unbiased panel of no more than three members to review the request.

1) The panel may request additional information or documentation from the applicant.

2) The panel shall either approve or deny the request within 30 calendar days after the date of receipt of the request, or the date of receipt of any additional information thereafter, and notify the applicant in writing.