

## **OHIO DEPARTMENT OF COMMERCE**

### **DIVISION OF STATE FIRE MARSHAL AND BOARD OF BUILDING STANDARDS**

To: Fire Code Officials, Building Code Officials, and Medical Marijuana Cultivation and Processing Facility Owners and Operators

From: Jeff Hussey, State Fire Marshal  
Gerry Holland, Chair of the Board of Building Standards

Date: August 3, 2018

Re: **ADVISORY STATEMENT – MEDICAL MARIJUANA CULTIVATION AND PROCESSING FACILITIES**

#### Ohio Medical Marijuana Program

House Bill 523, effective September 8, 2016, legalized medical marijuana in Ohio and created the Ohio Medical Marijuana Control Program (“MMCP”) to regulate it. The Ohio Department of Commerce (“Department”), the Ohio Board of Pharmacy, and the Ohio Medical Board administer the MMCP. The Department regulates medical marijuana cultivators, processors, and testing labs. Pursuant to MMCP rules, medical marijuana cultivation and processing facilities (“marijuana facilities”) must receive a Certificate of Occupancy to receive a Certificate of Operation. To receive a Certificate of Occupancy, marijuana facilities must comply with the Ohio Building Code (“OBC”). This advisory statement discusses that compliance and the application of the Ohio Fire Code (“OFC”) to marijuana facilities.

#### Ohio Building Code

The Board of Building Standards has not adopted rules specifically for marijuana cultivation and processing facilities as the OBC already has provisions that address these activities. While the actual occupancy classification of marijuana facilities will depend on facility size, quantities of materials and chemicals used and stored, etc., marijuana facilities will likely be mixed occupancy facilities, F-1, S-1, B for cultivators and F-1, H, B for processors. Owners and operators of marijuana facilities should consult with design professionals regarding the applicable construction requirements for their facilities.

#### Ohio Fire Code

While MMCP rules do not explicitly require marijuana facilities to comply with the OFC, such compliance is still mandatory per other sections of Ohio law. Fortunately, in most cases, compliance with the OBC results in compliance with the construction rules of the OFC. For example, like the OBC, the OFC does not contain specific rules governing the construction of medical marijuana cultivation facilities. Thus, as is the case under the OBC, the OFC rules that

apply in general to indoor plant growth operations also apply to marijuana cultivation facilities. *See e.g.* OFC 903.2.4 (Ohio Administrative Code (“OAC”) 1301:7-7-9(C)(2)(d)) (addressing maximum fire areas and sprinkler requirements in group F-1 facilities).

Unlike cultivation facilities, the OFC contains specific rules regarding marijuana processing and extraction facilities. OFC Rule 39 describes the types of occupancies that can be contained in a facility where extraction activities occur, sets forth exhaust and ventilation requirements when flammable and combustible liquids or liquefied petroleum gas are used, and specifies system design requirements. *See* OFC 3901.1 (OAC 1301:7-7-39). It also states that the State Fire Marshal must inspect marijuana processor facilities to assess operational compliance with the OFC, such inspections occurring initially during licensure and annually thereafter.

### Conclusion

Owners and operators of marijuana facilities are encouraged to work with their building code officials and the State Fire Marshal early in the design and construction phases of their marijuana facilities to ensure that all applicable regulations and construction requirements are met.

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For questions about the application of the fire code to a medical marijuana facility, please contact:

Division of State Fire Marshal  
Code Enforcement Bureau  
8895 East Main Street  
Reynoldsburg, OH 43068  
1-888-252-0803  
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For questions about the application of the building code to a medical marijuana facility, please contact:

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