CANNABIS FACILITIES

2020 Minnesota Building Code

Minnesota Department of Labor and Industry

Minnesota Statutes chapter 342, Minnesota's cannabis law passed in 2023, established a regulatory framework for the state's new cannabis industry. Effective Aug. 1, 2023, full decriminalization allows the possession, use and home growth of cannabis in Minnesota for people 21 and older.

Minnesota Office of Cannabis Management role

Minnesota's Office of Cannabis Management (OCM) is the state regulatory office created to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis program and the consumer hemp industry.

Role of the building codes

OCM states that all applicants and license holders are responsible for working with their local government to ensure compliance with state building and fire codes. This includes reviewing local ordinances and engaging with local governments to learn about the process for securing zoning compliance and any necessary permits for building and fire codes.

The building code department's role will be the same as for any other business opening or relocating in their city. It will begin with initial conversations and permit applications and then plan review starting with use and classification according to the Minnesota State Building Code (Minnesota Rules chapters 1305 and 7511).

State building codes

In Minn. Rules Chapter 1305, the International Building Code (IBC), the occupancy classification for cannabis manufacturing is typically **F-1 (Moderate-Hazard Factory Industrial)**, but it can be classified as **Group H (High-Hazard)** if the extraction process uses a large quantity of flammable solvents. **The final determination of a facility's occupancy depends on the specific manufacturing processes and materials used.**

F-1 (Moderate-Hazard Factory Industrial)

Facilities that do not use flammable solvents for extraction are classified as a Group F-1, Moderate-Hazard Factory Industrial occupancy. This group is typically used for general manufacturing and processing operations. An F-1 occupancy in the IBC refers to moderate-hazard factory and industrial uses, covering buildings where manufacturing, processing or fabricating operations occur that involve materials that are combustible.

Requirements: As an F-1 occupancy, the facility must meet specific fire-safety provisions in the IBC including separation from other occupancies and potentially requiring fire sprinkler systems depending on the building size. This is the standard classification for most cannabis manufacturing and processing activities, including:

- Manufacturing of infused products using ethanol or carbon dioxide extraction, or facilities that solely focus on packaging or processing, such as, edibles, beverages and other processed items.
- Processing operations that do not exceed the maximum allowable quantities (MAQs) of hazardous materials.
- Grow facilities which also fall under the F-1 classification due to equipment such as high-intensity grow lights and high electrical loads.

Group H (High-Hazard)

Facilities are classified as Group H if they use hazardous hydrocarbon solvent materials, such as butane or propane, in quantities that exceed the MAQs specified in chapter 50 of the International Fire Code (IFC). This most commonly applies to solvent-based extraction processes.

Extraction rooms: The IBC and IFC mandate that extraction equipment and processes using hydrocarbon solvents must be located in a dedicated extraction room.

Specific Group H classification: The specific Group H subdivision (H-1, H-2, H-3, H-4, or H-5) will depend on the type of hazardous materials and the nature of the hazard such as fire, explosion or health concerns.

Safety measures: These facilities are subject to more stringent fire and building code requirements due to the explosive risks posed by the solvents. Requirements may include:

- Using closed-loop extraction systems.
- Requiring an engineering analysis of the process, signed and sealed by a licensed professional engineer.
- Installing a hazardous material exhaust system with a hydrocarbon detector and an emergency power supply. (Minn. Rules Chapter 1346)
- Prohibiting the location of the extraction process in buildings with assembly, educational, institutional or residential occupancies.

Occupancy Group S-1: Storage

In some cases, cannabis facilities may have areas designated as Group S-1, Moderate-Hazard Storage, for storing materials and equipment. However, the manufacturing processes themselves dictate the primary occupancy classification.

Occupancy Group M: Mercantile (M)

Used for retail dispensaries where cannabis products are sold to the public. Cannabis retail establishments, including dispensaries, are classified as Mercantile (M) occupancies under the IBC. This classification is used for spaces where merchandise is displayed and sold and is accessible to the public, similar to retail stores or markets.

How to determine the correct occupancy

To determine the precise occupancy classification for a specific project, a building designer will need to:

1. Analyze the process: Identify all materials used in the manufacturing, extraction and storage processes, including the types and quantities of any flammable solvents.
2. Consult the IBC: Compare the maximum allowable quantities of hazardous materials with the amount used in the facility, using tables found in the IFC and IBC.
3. Work with the authority having jurisdiction (AHJ): Local code officials, who enforce the IBC and IFC, will ultimately determine the official occupancy classification and approve the specific mitigation measures for the facility.
4. Review the requirements of The Minnesota Mechanical Code in Minn. Rules Chapter 1346.

Other laws

It is important to note that many jurisdictions have developed specific local laws or guidelines in their land-use and zoning ordinances for cannabis facilities that add additional local requirements. However, the manufacturing processes themselves dictate the primary occupancy classification. And some license types may have specific mechanical issues as they pertain to ventilation and other mechanical code requirements.