

## MEMORANDUM

**FROM:** Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors

**BOARD ADOPTION DATE:** 2/17/22 (**First Revision Date: 6/9/22**)

**SUBJECT:** When is an Oklahoma Licensed Professional Engineer required to be involved in the design, construction and/or renovation of a cannabis facility (“facility”).

[Ref. Checklist of Code Requirements for Cannabis Facilities - #1 Type of Facility]

**OMMA: OAC 310:681-6-2 Construction of Premises,** *All commercial licensees shall meet the standards of any applicable state and local electrical, fire, plumbing, waste and building specification codes including but not limited to the codes adopted by the Oklahoma Uniform Building Code Commission as set forth in OAC 748: 20.* [Source: Added at 35 Ok Reg 659, eff 8-25-18 (emergency); Added at 35 Ok Reg 709, eff 8-25-18 (emergency); Added at 36 Ok Reg 1759, eff 9-13-19; Amended at 37 Ok Reg 1461, eff 9-11-20]

## POSITION STATEMENT

Because of the special circumstances regarding cannabis facilities involving hazardous material and life safety issues affecting workers and the general public, it shall be the position of the Oklahoma State Board of Licensure for Professional Engineers and Surveyors as follows:

### **New Construction**

Regarding a “facility” classified as Group B, F-1, H-2, H-3 or U: the mechanical, electrical, and plumbing systems, as well as the structural engineering, are required to be designed by an Oklahoma Licensed Professional Engineer “Oklahoma P.E.” with designated competence in each specific discipline of engineering involved. The risk category per IBC 1604.5 shall be considered II, III or IV.

### **Renovations**

Regarding a renovated structure classified as Group B, F-1, H-2, H-3 or U: the existing mechanical, electrical and plumbing systems, as well as the structural engineering, are required to be evaluated by an “Oklahoma P.E.” with designated competence in each specific discipline of engineering involved, to determine if the existing facility requires any revisions to the engineered systems or layout of the facility to be in compliance all applicable codes. Any alterations to the existing engineered systems shall be designed by an “Oklahoma P.E.” with designated competence in that discipline of engineering. The risk category per IBC 1604.5 shall be considered II, III or IV.

### **New Construction and Renovated Facilities**

Letters of Code Compliance required by Authorities Having Jurisdiction (AHJ’s) may be prepared and submitted by an architect, owner, contractor etc. if the required engineering design services of an “Oklahoma P.E.” with competence in the specific discipline(s) of engineering involved were performed. An architect, owner, or contractor shall not independently certify that the mechanical, electrical and/or structural engineering elements of a project meets code. An architect, owner, or contractor may certify to a Letter of Code Compliance if no engineering design services were required for the project. However, an architect, owner, or contractor shall not design mechanical, electrical, or structural systems in lieu of obtaining the services of an “Oklahoma P.E.”. This is a direct violation of O.S. Title 59, § 475.1 et seq. (See Sample Form Letter(s) for Code Compliance).

## CHECKLIST OF CODE REQUIREMENTS FOR CANNABIS FACILITIES

1. Type of Facility
  - a. Grow facility with processing/packaging
  - b. Grow facility without processing/packaging
  - c. Extraction facility
  - d. Bakery
  - e. Edible manufacturing
  - f. Retail sales
  - g. Testing laboratory
  - h. Grow supply store
  
2. Occupancy Classification
  - a. Group B
    - i. Testing laboratory
  - b. Group F-1
    - i. Grow facility with processing/packaging
    - ii. Greenhouses for commercial cannabis production which contain mechanical/electrical/structural systems
    - iii. Extraction facility where hazardous materials DO NOT exceed the maximum allowable quantities
      1. Control areas may be utilized
    - iv. Bakery/edible manufacturing
  - c. Group H-3 (in some instances H-2)
    - i. Extraction facility where flammable liquids exceed the maximum allowable quantities
  - d. Group M
    - i. Retail sales
    - ii. Grow supply stores
  - e. Group U
    - i. Grow facility without processing/packaging
    - ii. Greenhouses for commercial cannabis production which do not contain mechanical/electrical/structural systems

Includes selected excerpts from the *Applying the Codes to Cannabis Facilities*. Copyright 2019. Washington, D.C.: International Code Council. Reproduced with permission. All rights reserved. [www.ICCSAFE.org](http://www.ICCSAFE.org)