



EXISTING CANNABIS FACILITY EVALUATION FOR BUILDING CODE COMPLIANCE

SECTION I. BUILDING INFORMATION:

Property Address _____ City _____ Zip _____

County _____ Is the building inside city limits? Yes No

SECTION II. PROPERTY OWNER'S INFORMATION:

Property Owner's Name: _____

Mailing Address: _____ City _____ State _____ Zip _____

Email _____ Phone _____

Is there a current Property Owner Permission Form for Providers on file with DOR? Yes No N/A

SECTION III. BUSINESS GENERAL INFORMATION:

Current License Number(s) _____ Expiration Date(s) _____

Current Site ID(s) _____ Expiration Date(s) _____

Existing License Type: Dispensary Manufacturer Cultivation Storage Facility Testing Lab

Business Name: _____ Registered Agent: _____

Business Mailing Address _____ City _____ State _____ Zip _____

Email Address: _____ Contact Phone Number: _____

Federal Tax ID: _____ Trade Names and DBAs: _____

SECTION IV. BUILDING CODE COMPLIANCE

- How long has this building been used in its current manner under this license? ____ Years ____ months
- Have any changes been made to the use of this building since the licensed provider was originally licensed and began using the building? Yes No
- Did you or the owner perform any construction or alterations, including adding extraction and processing equipment, in preparation to use the building in its current operation as a licensed provider? Yes No
- If you answered Yes to **Question 3**, did the owner or representative obtain a building permit at that time?
 Yes No

SECTION VIII. INFORMATION AND EXAMPLES:

House Bill 701, enacted by the 67th Montana Legislature and signed into law on May 18, 2021, amended both the recreational marijuana initiative I-190 and the Montana Medical Marijuana Act, and moved regulation of marijuana under the authority of the Montana Department of Revenue (DOR) Cannabis Control Division (CCD). During this transition, CCD is evaluating whether licensees comply with all requirements, including compliance with the Montana building code.

Montana law requires all building owners or their representatives that seek to construct a new building, alter an existing building, or change the use of a building to obtain a building permit and reach compliance with the current building code, as adopted in Admin. Rule of Montana 24.301.142 and 24.301.146, before occupying the building. Mont. Code Ann. Title 50, chapter 60, Parts 1–3. Existing medical marijuana licensed providers must provide proof to CCD that the building(s) in which they operate comply with the building code. To evaluate whether an existing licensed provider complies with the building code, the Building Codes Bureau (BCB) requests each licensed provider submit this form.

The BCB may request further information or conduct a site visit to determine whether the information provided is true and correct. Additionally, you are advised that if the use of the building changes, permits are required.

A dispensary is classified as a **Mercantile** under the International Building Code (IBC), 2018 Edition. The IBC defines **Mercantile** occupancy to include, among others, the use of a building or a portion thereof for the display and sale of merchandise, and involves storing goods incidental and accessible to the public. IBC § 309.

A grow facility may be classified in different ways according to its size, use, and equipment. Each classification has different requirements for fire resistive construction and maximum height and areas before additional levels of life safety measures are required. For example, if the licensed provider operates a grow facility in existing buildings that were previously classified in the same manner and no construction is taking place, no permit would be required. BCB considers the following factors when evaluating grow facilities for classification:

- If the building is used for growing only, it can be classified as a **Utility** (similar to a greenhouse).
- If the building is used for growing and processing, (I.E. drying, harvesting and packaging), it is classified as a **Factory**.
- If the building also has provisions for extraction, it would still be classified as a **Factory**, but hazardous gases or liquids used in the extraction process must be limited to the maximum amounts allowed in the building by the IBC.
- If maximum limits of hazardous gases or liquids are passed, the building is classified as **Hazardous**. For example, automatic Fire Sprinklers become mandatory.
- A chemical hood is required over the equipment to capture gasses released when product is removed.
- The area immediately around the equipment is considered a hazardous location and any electrical components in this area need to be rated for the hazardous location.
- If the building also has provisions for cooking, that portion of the building becomes a “commercial kitchen not associated with restaurants” and could be classified as a **Factory** or a **Business** depending on the square footage of the kitchen. If the kitchen area is over 2500 sq. ft, it would be classified as a **Factory**, if the kitchen is under 2500 sq. ft, it would be classified as a **Business**.
- A fire suppression hood may be required over cooking appliances that disconnects all energy and fuels under the hood as per the International Mechanical Code.

- If there is CO2 production for plant growth, like a CO2 generator, then CO2 generators require CO2 level monitoring with an alarm and generator shutdown. Most units have a built-in gas shutoff and there is an off the shelf monitor that plugs into a wall receptacle and has a switched receptacle for the generator. Where is the fuel stored? If inside, it is limited to 10 gallons and it cannot be a BBQ type propane bottle as those have a built-in vent that could release gas into the building. CO2 from pressurized bottles need to be secured to the wall via a chain to prevent tip over, and monitoring.

The IBC defines **Utility** as “[b]uildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be construct, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy.” See IBC § 312.

The IBC defines **Factory** Industrial Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as a Group H hazardous or Group S storage occupancy. See IBC § 306.

The IBC defines **Business** occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. See IBC § 304.

The IBC defines High **Hazard Group H** occupancy includes, among others, the use of a building or structure, or a portion thereof, that involve the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in *controlled areas* complying with IBC § 414 regarding hazardous materials. See IBC § 307.