

**Oklahoma Bureau of Narcotics and  
Dangerous Drugs Control Position  
Statement on Medical Marijuana  
Registrants Providing Certificates of  
Occupancy**



July 2023

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## POSITION STATEMENT

**The Oklahoma Bureau of Narcotics and Dangerous Drugs Control will require all medical marijuana manufacturing registrants to provide required certificates of occupancy/final inspection (CO) or an attestation such certificate is not required by law before granting a new registration or renewing an existing registration.**

### **Section I – Introduction and Purpose**

This position paper seeks to clearly articulate the position of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBN) regarding certificates of occupancy/final inspection (CO) related to medical marijuana manufacturers while also providing the authority and justifications, therefore. OBN's position on this topic is the result of a careful and thorough analysis of its public safety mandates in consideration of documented experiences.

### **Section II - Existing Legal Requirement**

From the outset, it should be noted that OBN is not creating a new burden on any potential registrant, but simply requesting verification that Oklahoma's existing public safety laws are being followed. All medical marijuana businesses may be required to obtain a permit for any new construction or existing building, fire sprinkler, fire alarm, etc. from the Oklahoma State Fire Marshal's Office or Authority Having Jurisdiction (AHJ). *See Hyperlink to Oklahoma State Fire Marshal Medical Marijuana Facilities Guidebook.* Regardless of what regulations the local or county AHJ may have in place, the Office of the State Fire Marshal has statutory obligation to ensure all jurisdictions accepting the responsibility of being the AHJ adhere to the minimum state-adopted building codes and standards and the *Americans with Disability Act*. *See 74 O.S. §§ 317, 324.4, and 324.11.* The Office of the State Fire Marshal retains the authority to review and or audit any projects permitted by a municipality, town, and or county. *See 74 O.S. §§ 314 et seq.* In fact, the State Fire Marshal has executed at least two letters outlining this process that were sent to every county in Oklahoma. *See Attachments 1 and 2.* For further reference, the Oklahoma State Fire 3

Marshal has produced a document outlining the requirements for medical marijuana facilities. *See Hyperlink* to Oklahoma State Fire Marshal Medical Marijuana Facilities Guidebook.

### **Section III - Authority**

Any registration may be denied by OBN if “the Director determines that the issuance of such registration is inconsistent with the public interest.” 63 O.S. § 2-303(A). Any registration may be annulled, conditioned, suspended, or revoked when “the Director has reason to believe [the registrant] is operating inconsistent with any provision of Section 2-303.” 63 O.S. § 2-305. In making a determination related to the “public interest” OBN’s Director “shall” consider **“compliance with applicable state and local law”** as well as **“such other factors as may be relevant to and consistent with the public health and safety.”** 63 O.S. § 2-303(A)(2)(7)(emphasis added). Just as with all other entities regulated by OBN, all commercial medical marijuana businesses 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.

OBN is not employing its discretion in this effort but following OBN’s mandatory statutory obligations under the *Uniform Controlled Dangerous Substance Act* to ensure the public health and safety of the citizens of Oklahoma. Furthermore, in the execution of these mandates, OBN “may require an applicant to submit such documents or written statements of fact relevant to the application as he/she deems necessary to determine whether the application should be granted.” OAC 475:10-1-14. Compliance with applicable building and fire codes is not only necessary for public safety, but it is required under the law. It is in the public interest that the registrants OBN engages with are complying with the law and not presenting an undue risk to the health and safety of employees, customers, officers, agents, and the public at large.

## **Section IV - Justification and Impact**

- A. Fires:** Oklahoma has seen an unprecedented number of fires at marijuana manufacturers. Since 2021, there have been at least 10 confirmed fires at marijuana manufacturer locations. *See Attachment 3.* In one of the fires, two employees were severely burned and sent to the hospital. This fire also resulted in first-degree felony arson charges being filed. In another fire, more than 10,000 acres of land were set ablaze after medical marijuana combusted. This fire required the activation of the National Guard and numerous agencies from all over Oklahoma and Texas. OBN agents have also seen evidence of previous fires on numerous occasions at marijuana manufacturing locations. In fact, on two separate enforcement operations, OBN agents were present when fires ignited in grow rooms.
- B. Dangerous Wiring:** Not only is it commonplace for agents and officers to encounter dangerous electrical configurations at indoor medical marijuana manufacturers, but the majority of OBN's enforcement operations taking place at indoor manufacturing facilities appear to have clear indications of homemade electrical work and noncompliance with Oklahoma's fire and safety laws. *See Attachment 3.* Officials at OBN cannot recall a single instance where a registered pharmacy, clinic, or hospital maintained a structure with similar conditions endangering employees, agents, or the public. In fact, a main aspect of OBN's current training to agents and other officers pertaining to medical marijuana enforcement relates to officer safety when entering indoor manufacturing facilities.
- C. Air Quality and Explosive Dangers:** When investigating indoor manufacturing facilities, OBN agents frequently encounter limited ingress and egress and have had to cut holes in walls to safely work in confined spaces. Grow rooms may be oxygen deficient, and OBN agents frequently wear oxygen monitors while inside these facilities.

In addition, agents have witnessed compressed gas cylinders that are free-standing and not secured. It is not uncommon to see chemicals, including ethanol and propane, improperly stored in unmarked, unsecured bulk containers. *See Attachment 3.* When any commercial business is using liquified petroleum gas (LPG), or carbon dioxide, other dangerous chemicals, or hazardous materials in marijuana extraction efforts, there are important safety regulations for the room and/or building approved for those activities. *See [Hyperlink](#) to Oklahoma State Fire Marshal Medical Marijuana Facilities Guidebook.* Another common observation includes communal living facilities with no exit signs, sprinklers, or fire extinguishers, which presents a daily danger to those living on-site as well as any law enforcement present at such locations.

#### **Section V - Current Compliance and Efforts to Collaborate with Registrants**

The requirements outlined in this paper only apply to buildings utilized for commercial purposes, including onsite dormitories for employees. As such, the CO requirements do not apply to open-to-the-sky outdoor grows and such businesses can plant their crops outdoors without having to obtain a CO.

While there are clearly many marijuana manufacturing operations that are not compliant with fire codes, OBN has received over 130 new applications since February 1, 2023, from businesses that have provided the required CO, including businesses that received the CO prior to any notice from OBN. OBN also received Supplemental Application Packets within a week of notifying all registrants of the requirement to show proof of compliance.

OBN has made efforts to be transparent in this effort including repeated collaboration with the State Fire Marshal, communications with medical marijuana manufacturing registrants, and facilitating meetings between OBN, members of the medical marijuana industry, and the State Fire

Marshal's Office. Compliance with the State Fire Code is required of all commercial businesses and facilities, but OBN has identified that medical marijuana manufacturers in particular account for nearly all the public safety issues outlined in this paper. Accordingly, OBN is requiring all medical marijuana manufacturers to submit required COs to demonstrate compliance with the law. While the dangers referenced herein are of great magnitude, OBN's effort has been narrowly tailored to ensure public safety. Every commercial business should already have a CO for its facilities. Furthermore, businesses in other industries are routinely prohibited from operating without the CO, and these other industries (such as restaurants, convenience stores, hotels, and other OBN registrants) have not demonstrated the extensive track record of noncompliance or public safety dangers documented with indoor marijuana manufacturing operations.

## **Section VI - Conclusion**

OBN, at its core, is an agency dedicated to the public safety of all Oklahomans. Regarding indoor medical marijuana manufacturers, OBN has a duty to ensure the safety of both the employees working at such locations, law enforcement encountering these indoor manufacturing operations, and the public at large. Accordingly, for the reasons outlined in this document, OBN cannot and will not endorse the granting of a registration to any person or entity operating or attempting to operate in clear and open violation of Oklahoma's public safety laws.

### **Hyperlinks**

- [https://www.ok.gov/pels/Publications/Oklahoma State Fire Marshal Medical Marijuana Facilities Guidebook/](https://www.ok.gov/pels/Publications/Oklahoma%20State%20Fire%20Marshal%20Medical%20Marijuana%20Facilities%20Guidebook/)

# ATTACHMENT



STATE OF OKLAHOMA  
OFFICE OF THE STATE FIRE MARSHAL

December 12, 2019

Dear County Commissioner,

There seems to be some confusion across the state on building plans reviews and permitting. Maybe I can help clear up some of the misconceptions.

Oklahoma state statutes allow for building permits to be issued by cities, towns, and counties. While many cities and towns require building permits, it is much less common for a county to require permits and/or plans reviews.

Oklahoma Statute 74 § 324.11 C states: "...In all geographical areas wherein no such permit is required by local authorities such permit must be obtained from the State Fire Marshal, who may require the submission of plans and specifications covering the proposed construction or alteration, and shall refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of the building code..."

If your county does not require local building permits in unincorporated areas, please refer any inquiries about such to:

Oklahoma State Fire Marshal's Office  
2401 NW 23<sup>rd</sup>, Suite 4  
Oklahoma City, OK 73107  
Phone (405) 522-5005.

I hope this helps. If the State Fire Marshal's Office can be of any assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl W. Hickman".

Carl W. Hickman  
Interim State Fire Marshal



## ATTACHMENT 2



STATE OF OKLAHOMA  
OFFICE OF THE STATE FIRE MARSHAL

November 2, 2020

Dear County Commissioner,

There seems to be some confusion across the state on building plans reviews and permitting. Maybe I can help clear up some of the misconceptions.

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I hope this helps. If the State Fire Marshal's Office can be of any assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Carl W. Hickman".

Carl W. Hickman  
Interim State Fire Marshal

# ATTACHMENT 3

## Jones explosion was at former pizza restaurant, now a marijuana processing facility

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Updated: 6:03 PM CST Jan 29, 2021

Infinite Scroll Enabled 

 Erin Beu



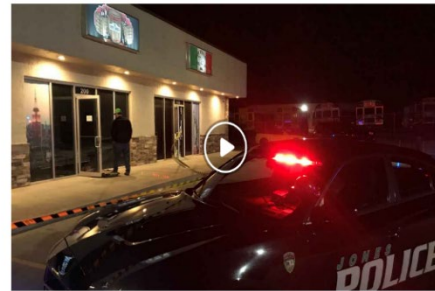
story/601354b2a0590b445008b2-widms-burned-1-injured-in-flash-explosion-at-jones-pizza-business

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## 2 VICTIMS BURNED, 1 INJURED IN FLASH EXPLOSION AT JONES PIZZA BUSINESS

Thursday, January 28th 2021, 6:56 pm

By: News 9



JONES, Okla. . .

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## Garvin County fire leads to illegal marijuana farm bust





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# Mead grow farm explosion raises concern over facility regulations



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By Emily Tabar  
Published: Aug. 18, 2021 at 6:25 PM CDT  
Facebook, Email, Twitter, Pinterest, LinkedIn

m/story/61c23854f886cf0c29a65323/crews-respond-marijuana-grow-facility-explosion-1-person-suffers-minor-injuries

Tuesday, December 21st 2021, 2:21 pm

By: News 9



## LOGAN COUNTY, Oklahoma -

Crews were called to an explosion at a marijuana grow facility on Tuesday in Logan County.

The explosion happened near Country Road 74 and Anderson, according to the Guthrie Fire Department

## Marijuana grow house goes up in flames during early morning fire in NW OKC

by Victor Park | Fri, April 15th 2022, 12:48 PM CDT



Firefighters remove marijuana plants and light fixtures after a Northwest OKC grow house goes up in flames.



OKLAHOMA CITY, Okla. — An early morning fire led to the discovery of a marijuana grow house in Northwest Oklahoma City on Friday.

Firefighters say they received a 911 call from a passerby who saw smoke coming out from a business along the 13700 block of North Lincoln Boulevard.

When crews arrived, they noticed thick black smoke coming out of the roof.

## Fire destroys office building at Owasso cannabis farm, engulfs \$750,000 in harvested product

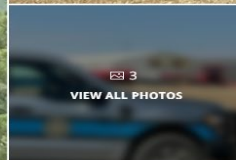
Art Haddaway Aug 23, 2022 Updated Oct 7, 2022 0



Around 4:40 a.m. last Tuesday morning, emergency crews responded to a fire that engulfed a structure at an Owasso cannabis farm, located near 86th Street and

## Marijuana grow structures ablaze north of Elk City

by Miranda Vondale Foster | Tue, October 4th 2022, 1:38 PM CDT



BCSO responded to a marijuana grow structure fire just north of Elk City off of Pioneer on Tuesday afternoon. (Courtesy, BCSO)



ELK CITY, Okla. (KOKH) — The Beckham County Sheriff's Office (BCSO) responded to the scene of a marijuana grow fire north of Elk City on Tuesday.

BCSO responded to a marijuana grow structure fire just north of Elk City off of Pioneer on Tuesday afternoon.

The fire has been contained to inside the structures at this time, with firefighters taking a standoff approach due to unknown chemicals inside the structures.

- **RELATED | Collision on County Road N2310 near Arapaho leaves one adult, two children dead**

← → ↻ 🏠 | [kfor.com/news/local/oklahoma-marijuana-grow-facility-building-total-loss-after-fire-in-downtown-tonkawa/](https://kfor.com/news/local/oklahoma-marijuana-grow-facility-building-total-loss-after-fire-in-downtown-tonkawa/)


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LOCAL

## Oklahoma marijuana grow facility building total loss after fire in downtown Tonkawa

by Taylor Mitchell/KFOR  
 Posted: Jan 19, 2023 / 05:08 PM CST  
 Updated: Jan 20, 2023 / 06:15 AM CST



CHOPPER 4 AT ONE POINT THICK

0:16 / 2:08

Fire at Oklahoma marijuana grow...  
nbcnews.com/video/fire-at-oklahoma-marijuana-grow-facility-injures-2-171569733542


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OKLAHOMA CITY NO AUDIO

At least two people were injured after a fire at a marijuana grow facility.

NBC NEWS CHANNEL  
**Two injured in fire at Oklahoma marijuana grow facility**

At least two people were injured after a fire at a marijuana grow facility in Oklahoma City. Officials say those injured is unknown.



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## NEARLY 10,000 ACRES ALREADY BURNED IN BLAINE COUNTY

Monday, July 18th 2022, 6:50 pm

By: [Augusta McDonnell](#)



