

Synopsis: Designing for Hedonism: AIA Trust Guide to Marijuana Facilities Design

While the production and retail sale of alcohol has a long history in the United States, the same cannot be said for the marijuana industry, which is much newer and struggling with growing pains. It is also handicapped by the Federal government's position that it is illegal – along with conflicting legal requirements by different states. In addition, there is uncertainty on the part of regulatory and safety bodies as to what standards should be applied to the industry.

This paper summarizes the many unique issues facing the design and construction of marijuana facilities, the considerations necessary for the safe and efficient delivery of product to the consumer, and the current and potential legal risks that a design professional may face. In addition, the addenda discuss more recent regulatory and production changes and the lack of alignment of regulations between jurisdictions.

An increasing number of states have legalized marijuana for medical and recreational use and the resulting demand for high-tech grow facilities increases new and unique opportunities for architects and engineers. However, marijuana remains a Class I narcotic under the federal Controlled Substance Act and therefore, providing design services for a grow facility, while it may be legal under state law, could result in criminal charges under federal law. In addition, disciplinary action could also be taken against the professional under the AIA Ethics Code for knowingly violating the law in their professional practice.

The design issues within the typical marijuana business model are a dispensary, where the marijuana is sold; a grow facility, where plants are seeded, grown, and harvested; and infusion facilities, where THC is extracted from plants for use in hash oil, edibles, and other products. Each has its own set of unique risks.

These risks include: significant risk of fire or explosion; worker safety; significant damage to leased space not designed for this purpose; electrical risks from various equipment needs; inadequate design that damages the property or the product; product liability from the hazards of mold or pesticides; as well as public and private nuisance laws applied to the facility. In addition, because of laws, there can be significant consequences concerning banks, attorneys, insurance companies and others needed to provide capital, legal advice, or other professional services for the project.

Developing safety policies and protocols and subsequent legal solutions has not been easily accomplished due to conflicting laws; however, the liquor industry may provide a template for courts as they consider issues arising out of the marijuana business.

A design professional is advised that engaging in this practice area may have adverse consequences – both criminally and professionally. If the professional chooses to practice in this area, one principle that is crucial: Know your potential partners in the cannabis industry to ensure that they fully comply with the drug laws of the state in which they operate and perform the duties imposed on you by law with the safety of the public in mind.

For more detailed information, [click here to read the entire report: AIA Trust Guide to Marijuana Facilities Design.](#)