

## Update on Ontario's Cannabis Curbside Pick-Up and Delivery Regulations

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**October 8, 2021**

On October 7, 2021, as part of Ontario's Fall 2021 Red Tape Reduction Package, the Ontario Government announced proposed legislative amendments to the *Cannabis License Act, 2018*, *Cannabis Control Act, 2017* and the *Ontario Cannabis Retail Corporation Act, 2017* that would enable authorized cannabis retailers to provide curbside pick-up and delivery services on a permanent basis.

Currently, cannabis delivery and curbside pick-up has been temporarily authorized in Ontario under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* to provide consumers with ongoing access to legal recreational cannabis and to help support cannabis retailers during the pandemic. However, if these emergency order regulations are revoked, cannabis retail stores would no longer be permitted to offer cannabis delivery or curbside pick-up services, as the *Cannabis License Act, 2018*, *Cannabis Control Act, 2017* and the *Ontario Cannabis Retail Corporation Act, 2017* do not otherwise permit these services.

For curbside pick-up, cannabis retailers must ask for and inspect identification if they suspect a customer is under 25 years old and must ensure that the curbside pick-up is captured by the store's surveillance system. Social distancing directives must also be complied with by retailers and customers.

For delivery, only cannabis retailers and their direct employees who hold a certification from CannSell may deliver cannabis. A third-party may be used for transportation if the cannabis is in the secure possession of the certified employee at all times. Cannabis products may be delivered to a residence or private place specified in the order and must be delivered to a person who is at least 19 years of age. All cannabis products and accessories must be kept secure until delivered to the customer or returned to the store, and retailers must record and retain the name and address of the purchaser and where the cannabis was delivered. Cannabis retailers are also permitted to charge for delivery.

If the proposed legislative amendments are passed, curbside pick-up and delivery services for authorized cannabis retailers would be allowed to continue even if the emergency order regulations are revoked. There are no new administrative costs associated with the proposed amendments.