Cassels

Cannabis Curbside Pick-up and Delivery

Jonathan Sherman

November 25, 2020

On Friday November 20, 2020, the Ontario Government announced that both Toronto and Peel regions would be heading into a COVID-19 lockdown starting Monday November 23, 2020 at 12:01 am. Among other things, Premier Ford announced that retail stores will be permitted to be open only for curbside pick-up and delivery. There are exceptions for supermarkets, hardware stores, and beer and liquor stores. However, the government announced that cannabis retail stores in these regions were not exempt from the lockdown requirements.

Cannabis retailers in Ontario are prohibited from delivering cannabis or allowing curbside pick-up. However, due to the lockdown, the Ontario Government is permitting cannabis retailers in these regions to offer curbside pick-up and delivery services during this temporary measure.

Cannabis retailers in these lockdown regions of Ontario must, prior to the delivery or curbside pick-up of cannabis to any individual who appears to be under 25 years of age, verify that individual's identification in accordance with subsection 7(2) of the *Cannabis Control Act, 2017* and be satisfied that the individual is at least 19 years of age. Deliveries and curbside pick-ups may only be completed between the hours of 9:00 am and 11:00 pm. Payment may be made using any method acceptable to the cannabis retailer and completed at the time of the order or at the time of the curbside pick-up or delivery, which differs from the requirement under the previous temporary measures that required payment be made at the time of placing the order.

For curbside pick-up, cannabis retailers in the lockdown regions must ensure that the curbside pick-up of cannabis is clearly captured by the premises' surveillance system. Social distancing directives must be complied with by promoting safe distance between customers in curbside pick-up lineups and safe transactions during curbside payment.

In terms of delivery, only cannabis retailers or their direct employees may deliver cannabis, and the deliverer must hold a certification from CannSell. However, a third-party may be used for transportation if the cannabis is in the secure possession of the employee at all times. Cannabis products must be delivered to the residential address or private place specified in the order, and to a person present at the place of delivery who is at least 19 years of age. Once again, this differs from the prior temporary measures that the Ontario Government had instituted in the previous lockdown which required delivery to a residence. In addition, while the lockdown is limited to the Toronto and Peel regions, orders may be delivered to addresses outside of these regions.

All cannabis products that are delivered by cannabis retailers in the lockdown regions of Ontario must be provided in their original packaging and delivered to the customer in a way that ensures the contents are not visible to minors. In addition, all cannabis products and accessories must be kept secure up until the time they are delivered to the customer or returned to the store. Cannabis retailers are also permitted to charge for delivery. Lastly, cannabis retailers in the lockdown regions of Ontario are required to record and retain the name and address of the purchaser and the residential address or private place where any cannabis is delivered.

The Cassels Cannabis Group is continuing to monitor the developments relating to COVID-19 that impact businesses and will provide updates as they become available.

The author of this article gratefully acknowledges the contributions of articling student Spencer Green.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.