

**Ministry of the
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MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division
Ministry of the Solicitor General

FROM: Jane Mallen
A/Assistant Deputy Attorney General
Policy Division
Ministry of the Attorney General

DATE: April 9, 2020

SUBJECT: **Emergency Order – Cannabis Retail Delivery and
Curbside Pick-up**

As you are aware, Ontario has ordered the closure of non-essential businesses until April 18, 2020, with possible extension, based on the advice of Ontario's Chief Medical Officer of Health to stop the spread of COVID-19 and protect the health and well-being of all Ontarians. Private cannabis retail stores are among the businesses that were ordered to close as of April 4, 2020.

Under the *Cannabis Licence Act, 2018* private cannabis retail stores are not permitted to provide delivery and/or curbside pick-up services, unlike other non-essential businesses which can continue operating remotely. As such an emergency order has been approved to temporarily enable private cannabis retail stores in Ontario to provide delivery and curbside pick-up services in the province. This will help support the government's objective of combatting the illegal market by maintaining access to safe and regulated recreational cannabis for consumers in Ontario.

These changes came into effect on April 7, 2020 and will last until April 21, 2020, with the possibility of extension.

Please find below certain key requirements included in the emergency order:

- Products for delivery and curbside pick-up are limited to cannabis and other products permitted for sale at a cannabis retail store (i.e., cannabis accessories, shopping bags, and any item other than a cannabis accessory that relates in

some direct way to cannabis or its use, but not including any food or drink that is not cannabis).

- Permitted hours of sale, delivery and curbside pick-up are between the hours of 9 a.m. and 11 p.m. seven days a week.
- Retailers are required to verify the identification of any individual who appears to be under the age of 25. Section 7 of the *Cannabis Control Act, 2017* prohibits anyone from knowingly selling or distributing cannabis to an individual under the age of 19 and that continues to apply.
- Cannabis must be provided in its original packaging and delivered to the customer in a way that ensures the contents are not visible to minors.
- The cannabis retail store must receive payment, online or by telephone, for the cannabis and other items purchased before they are picked up or delivered.
- With respect to curbside pick-up, the location for picking up the cannabis and other purchased items must be an outdoor area in close proximity to the retail store. Customers are not allowed into the store. Further, the individual picking up the cannabis must be the same individual who purchased the cannabis.
 - The Alcohol and Gaming Commission of Ontario's (AGCO's) Registrar's Standards require that cannabis only be distributed in areas that are clearly captured by the store's surveillance cameras.
- With respect to delivery, retailers are not permitted to use the services of a third-party; all deliveries must be completed by the licence holder or their employee(s). Further, cannabis must be delivered to the residential address specified in the order and to the purchaser or another person who lives at the address who is at least 19 years of age.
- The Emergency Order permits First Nation communities to request that delivery and/or curbside pick-up not be permitted on their reserve.

Please see the [Emergency Order](#) for further detail.


In addition to the requirements set out in the Emergency Order, the AGCO, Ontario's provincial regulator for private cannabis retail, has established Registrar's Standards to ensure the continued safe and responsible sale of cannabis through these temporary delivery and curbside pick-up services. **It should be noted that compliance with AGCO Registrar's Standards is a requirement under the *Cannabis Licence Act, 2018*, not part of the Emergency Order. As such, compliance with the Registrar's Standards would continue to only be enforced by AGCO compliance officials.**

For more information, you may also wish to see the AGCO's related [Information Bulletin](#).

I would ask that you please bring this memorandum to the attention of the policing community. If policing services would like to discuss these changes, they may contact Alexander Bishop, A/Director, Legalization of Cannabis at Alexander.Bishop2@ontario.ca.

Thank you for your assistance in communicating these changes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jane Mallen".

Jane Mallen
A/Assistant Deputy Attorney General
Policy Division