

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 385

, Approved and Ordered July 8, 2022


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Cannabis Licensing Regulation, B.C. Reg. 202/2018, is amended as set out in the attached Appendix.



Minister of Public Safety and Solicitor General and
Deputy Premier



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Cannabis Control and Licensing Act*, S.B.C. 2018, c. 29, ss. 127, 130, 133

Other: OIC 528/2018

R10612540

APPENDIX

1 *Section 1 of the Cannabis Licensing Regulation, B.C. Reg. 202/2018, is amended by adding the following definitions:*

“**delivery person**” means a delivery service provider or an employee of a delivery service provider;

“**delivery service provider**” means a person operating a delivery service, other than a common carrier; .

2 *Section 5 (2.1) is amended by repealing paragraphs (a) to (e) and substituting the following:*

- (a) cannabis must be delivered by
 - (i) the licensee or an employee of the licensee,
 - (ii) a delivery person, or
 - (iii) a common carrier;
- (b) if cannabis is delivered by the licensee or an employee of the licensee,
 - (i) the cannabis must be delivered between 9 a.m. and 11 p.m., subject to limitation by the general manager, and
 - (ii) the transfer of personal possession of the cannabis to a patron, or to another adult acting on the patron’s behalf, must take place
 - (A) at the address in British Columbia specified by the patron when purchasing the cannabis, or
 - (B) at a location immediately outside the retail store;
- (c) if cannabis is delivered by a delivery person,
 - (i) the cannabis must be delivered between 9 a.m. and 11 p.m., subject to limitation by the general manager, and
 - (ii) the transfer of personal possession of the cannabis to a patron, or to another adult acting on the patron’s behalf, must take place at the address in British Columbia specified by the patron when purchasing the cannabis;
- (d) the person who delivers cannabis must obtain the name and signature of the patron, or the other adult acting on the patron’s behalf, who receives the cannabis;
- (e) if the name and signature referred to in paragraph (d) are not obtained, the cannabis must not be delivered.

3 *The following section is added:*

Delivery persons and common carriers – exemptions

- 5.1** (1) A delivery person or common carrier is exempt, in the circumstances described in subsection (2), from the following provisions of the Act:
- (a) section 14 [*possession*];
 - (b) section 17 [*supply*];
 - (c) section 52 [*possession in a public place*].

- (2) The exemption under subsection (1) applies if the delivery person or common carrier is delivering cannabis on behalf of a retail store licensee to a patron who purchased the cannabis in the retail store, through an online system or by telephone, or to another adult acting on the patron's behalf.
- (3) It is a condition of the exemption under subsection (1) that the delivery person or common carrier comply with the applicable rules and requirements set out in section 5 (2.1).

4 Section 24 (3) is amended

(a) in paragraph (b.1) by adding the following subparagraphs:

- (i.1) the date on which the cannabis is provided to a common carrier for delivery, if applicable,
- (i.2) the name of the delivery service provider or common carrier who makes the delivery on the licensee's behalf, if applicable, , **and**

(b) by adding the following paragraph:

- (e.1) contracts with delivery service providers and common carriers; .

5 Section 42.1 is amended

(a) in subsection (6) by adding the following paragraph:

- (e) delivery persons who are individuals. , **and**

(b) in subsection (7) by adding the following paragraph:

- (c) delivering cannabis on behalf of a retail store licensee to a patron or to another adult acting on the patron's behalf.