

**Association of Canadian Cannabis Retailers
(ACCRES) Policy Analysis
Submission to the Cannabis Licensing and Regulation
Branch.
March 2020**



ACCRES Policy Analysis

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1. Introduction

The *Association of Canadian Cannabis Retailers (ACCRES)* is a non-profit advocacy group representing provincially licensed, private Canadian cannabis retailers. *ACCRES BC* has 40 members who are licensed as Recreational Cannabis Retail Licensees, as well as several ancillary services to the cannabis sector.

In response to the rapidly changing emergency situation due to COVID-19, *ACCRES* has created specific recommendations that we feel would contribute to successful physical distancing and serve to ensure continuity of safe service for the duration of these unprecedented measures.

2. Analysis

2.1 Online Payment and to the Door Delivery

Issue: The adoption of click and collect/phone orders due to the COVID19 crisis was an excellent policy update to ensure public safety. However, it does not address the major point of contamination in a “click and collect” transaction and doesn’t serve to meaningfully protect or serve customers who are immunocompromised or required to self isolate

Impact: It is during the payment phase of the transaction that the most interaction between customers and staff occurs. The requirement to accept cash or interact with the payment processing machine offers a significant opportunity for community spread.

In addition, the lack of door delivery means that customers who want access to cannabis but are unable to leave their homes are being unintentionally excluded from the legal market. Canada Post’s COVID-19 measures mean that current deliveries via post from the LCDB required customers to go into their post office to pick up their order. This process results in unnecessary exposure and increases the risk of community spread.

Recommendation: In the interest of balancing public health and the importance of allowing greater access to legal cannabis, and the long-term economic health of our members, *ACCRES* makes a two fold proposal that the Government of British Columbia allow retailers to sell their products online or by phone and collect payment in advance and allow security cleared staff from licensed retailers to make to the door deliveries.

ACCRES believe that pre-payment would reduce contact in store to the absolute minimum, and would facilitate the best possible circumstances for social distancing. Delivery options would protect those that are unable to leave their homes and ensure that access to tested, legal cannabis products was maintained through this public health emergency. To the door deliveries are allowed in other jurisdictions across Canada, we assert that they are in the best interest of both public health and furthering the project of cannabis legalization.

2.2 Staff Security Clearance

Issue: The current system of security clearance is onerous to both the regulator and private retailers, and makes it difficult to hire and staff retail stores, particularly when government resources at all levels are strained and these background checks are not a priority.

Impact: The need for extensive background checks for new hires for cannabis retail presents a significant obstacle to private retailers in effectively staffing their stores. This is due to two factors

1. The initial delay of the clearance being issued means that hires can potentially remain in a state of limbo related to their employment for weeks.
2. Staff turnover is significant in the retail sector and the loss of staff has a disproportionate impact due to the delays related to security clearances. This is particularly the case during the ongoing COVID-19 emergency, when many people are looking for work, while our retailers are looking to staff up to meet demand and replace lost employees.

These staff clearances don't seem to meaningfully serve to protect the public in a definable way, as they are significantly different from practices in the alcohol retail and service industries.

Recommendation:

Align staff security clearance requirements with those that apply to staff at private liquor stores under liquor regulations. Given the extremely stringent nature of the fit and proper requirements that license holders must meet in order to be granted a license, there should be no material decrease in government oversight or public safety as a result of these measures, making them an ideal paper burden reduction vector.

2.3 Window Coverings

Issue: The current interpretation of the Cannabis Act Subdivision C Sec. 29 is an overly broad interpretation that causes significant risk for our members. This interpretation is also contrary to best practices recommended by both Vancouver and Victoria Police Departments prior to regulation.

Display of cannabis

29 Unless authorized under this Act, it is prohibited for a person that is authorized to sell cannabis to display it, or any package or label of cannabis, in a manner that may result in the cannabis, package or label being seen by a young person[1].

[1] <https://laws-lois.justice.gc.ca/eng/acts/C-24.5/fulltext.html>

Impact: By forcing retailers to opaque their windows, the government of BC has created a situation where retailers are at elevated risk of assault and robbery due to the limited lines of sight, and law enforcement's ability to respond is equally curtailed. There have

already been security incidents where retail operators have been assaulted and robbed over the course of a significant period of time.

Recommendation: Allow for a more flexible compliance to Subdivision C sec. 29. Regulators in Alberta have already moved towards regulations that require all cannabis products inside a retail shop to not be visible from the street, but no longer specifically require opaquing, due to these exact security concerns.

In addition, local governments are opposed to opaquing requirements for visual reasons, as evidenced by the recent decision by the City of North Vancouver to deny a retail permit to the provincial operator specifically because opaque windows were cited as being in conflict with their design bylaws.

ACCRES recommends that the province of BC to bring our window regulations in line with Alberta, and to allow non-opaquing methods for obscuring the cannabis products inside

3. Conclusion

The purpose of these recommendations is to ensure continuity and quality of service to customers during this public health emergency.

ACCRES asserts that the competition pressures facing the private retailers from the illicit market represent a significant obstacle to the success of the legalization of cannabis and that COVID-19 is serving to magnify some of the regulatory points that could be streamlined with minimal adjustments to the framework. These changes would allow the private cannabis retailers of BC to undertake the sale of non-medical cannabis in a safer environment.