



---

### Liquor sales licensees may now sell liquor for takeout or delivery along with food

#### INFORMATION BULLETIN No. 61 (March 2020)

On March 17, 2020 the Premier of Ontario declared a state of emergency in Ontario and ordered that all bars and restaurants in the province close, except for offering takeout and delivery of food. On March 23, the Government of Ontario included as an essential service restaurants and other food facilities that prepare and serve food, but only for delivery or takeaway, together with food delivery services.

As part of its broader package of measures to support Ontarians and businesses that have been significantly impacted by the outbreak of COVID-19, the Government has amended Regulation 719 under the *Liquor Licence Act* (LLA) to temporarily allow liquor sales licensees (i.e., licensed bars and restaurants) to sell beer, wine and spirits as part of a food order for takeout or delivery. These changes are effective immediately, and last until December 31, 2020.

All liquor sales licensees are automatically permitted to begin selling liquor for takeout or delivery along with food – they do not have to apply, request permission, or notify the AGCO.

This information bulletin is intended to provide a general overview for licensees, but is not an exhaustive list of all requirements. Liquor sales licensees wishing to sell liquor with takeout or delivery of food should review the Regulation to ensure that they are in compliance with all requirements.

#### Key Requirements:

- All types of liquor may be sold for takeout or delivery, but must be purchased together with food. This includes beer and wine made under a brew pub or wine pub endorsement.
- Liquor sold for takeout or delivery must be in a sealed and unopened container.
- The permitted hours of sale and delivery of liquor with food are 9 a.m. to 11 p.m.
- Liquor may be sold for takeout or delivery through a third party, such as a food delivery service or ordering platform, provided they are acting on behalf of the licensee.
- There is no limit on the amount of liquor that may be sold for takeout or delivery.
- The licensee must ensure that any persons involved in the sale or delivery of liquor have completed [Smart Serve](#) training, including any third parties acting as agent for the licensee.
  - In response to this extraordinary circumstance, the Government of Ontario is allowing agents who are not yet Smart Serve certified to begin delivering liquor on behalf of licensees, as long as they obtain their Smart Serve certification by

April 25, 2020. The liquor sales licensee remains accountable for the responsible sale and delivery.

- To help licensed establishments enter into agency agreements with food delivery services and in order to increase the availability of certified delivery drivers, the AGCO and Smart Serve are partnering to offer free registration to the responsible service certification program throughout the month of April. Please visit [Smart Serve – Ontario](#) for more information.
- Liquor cannot be sold or delivered to anyone under 19 years old or anyone who is intoxicated. Licensees, employees or agents must ask for and inspect identification if they think anyone is under 19 years old.
- The licensee must ensure that liquor is not sold for takeout, or delivered, to anyone who is, or appears to be, intoxicated. This includes where the liquor is delivered by a third party on behalf of the licensee.
  - Where a third party is acting as an agent for the licensee, the AGCO expects that the licensee and the agent have an agreement that addresses how the delivery will meet responsible sale and service requirements.
- The licensee must keep records of liquor that was sold for takeout and for delivery, and keep those records for one year. The delivery order information that must be collected and retained is noted below.

Additional requirements for liquor sold for takeout:

- The liquor for takeout must be given to the person who purchased the liquor.

Additional requirements for liquor sold for delivery:

- The liquor and food must be delivered together by the licensee, an employee of the licensee, or an agent of the licensee. This means a third party, such as a food delivery service, may deliver the food and liquor, if the food delivery service is acting on behalf of the licensee.
- The liquor must be delivered to a residential address.
- The liquor must be delivered to the person that paid for it, or to another person at the delivery address who is at least 19 years old.
- Liquor must not be delivered to a patient in an institution listed in Schedule 1 of Regulation 718 (General) made under the *Liquor Licence Act*, or to a patient in an institution for the treatment of alcoholics.
- The licensee must record on an order form, and include with each order:
  - The name and address of the licensee;
  - The name and address of the person who paid for the order;
  - The kinds and amounts of liquor that were purchased; and,
  - The address where the food and liquor are being delivered to.
- The licensee must also record and keep for one year for each delivery of food and liquor:

- The name and address of the person who paid for the order;
  - The kinds and amounts of liquor that were delivered;
  - The date of delivery;
  - The price paid for the liquor;
  - The delivery fee, if any; and,
  - The name of the person making the delivery.
- Licensees are not required to charge for delivery, but may do so if they choose.

The AGCO remains committed to protecting public safety and ensuring that alcohol is sold, served, delivered and consumed in a responsible manner. Licensees must continue to meet all other existing requirements in the LLA and regulations.

The AGCO continues to work closely with the Government of Ontario to find ways of supporting Ontarians and the sectors we regulate during these challenging times.

Links to electronic versions of the *Liquor Licence Act* and its regulations are available on our [Acts and Regulations page](#).

For more information contact:

AGCO Customer Service  
Telephone: 416-326-8700  
Toll free in Ontario: 1-800-522-2876  
Or via the [iAGCO](#) online portal