

453A.52B Penalties.

1. A retailer, distributor, or wholesaler who sells or offers for sale a vapor product in this state that is not included in the vapor products directory established in [this subchapter](#) shall be subject to all of the following, as applicable:

a. A civil penalty of three hundred dollars per day for each vapor product offered for sale in violation of [this subsection](#) until the offending vapor product is removed from the market or until the offending vapor product is properly listed on the directory.

b. For a second violation within a period of two years, a retailer shall be assessed a civil penalty of one thousand five hundred dollars or the retailer's permit shall be suspended for a period of thirty days.

c. For a third violation within a period of three years, a retailer shall be assessed a civil penalty of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of thirty days.

d. For a fourth violation within a period of three years, a retailer shall be assessed a civil penalty of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of sixty days.

e. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

2. A vapor products manufacturer whose vapor products are not listed in the vapor products directory and are sold in this state, whether directly or through a distributor, wholesaler, retailer, or similar intermediary or intermediaries, is subject to a civil penalty of one thousand dollars per day for each vapor product offered for sale in violation of [this subsection](#) until the offending vapor product is removed from the market or until the offending vapor product is properly listed on the directory.

3. Any vapor products manufacturer that knowingly makes a false representation in any of the information required by [this subchapter](#) is guilty of a serious misdemeanor for each false representation.

4. Knowingly shipping or receiving vapor products in violation of [this subchapter](#) is an unfair practice and a violation of [section 714.16](#).

5. In any action brought by the state to enforce [this subchapter](#), the state shall be entitled to recover the costs of investigation and prosecution, expert witness fees, court costs, and reasonable attorney fees.

[2024 Acts, ch 1180, §6](#)

NEW section