

453E.7 Permits — suspension — revocation — penalties.

1. The provisions of [chapter 453A](#), including the permit suspension and revocation provisions and the civil penalties established in [section 453A.22](#), shall apply to tobacco retailers who are also device retailer permit holders or device delivery sale permit holders under [this chapter](#). The provisions of [chapter 453A](#) applicable to persons other than tobacco retailers who violate [chapter 453A](#) shall also apply to persons who violate [this chapter](#).

2. A person holding a device retailer permit or a device delivery sale permit under [this chapter](#) who violates [this chapter](#) by marketing or selling a device to be used or attempted to be used or that is capable of use in combination with tobacco, hemp, other plant materials, or a controlled substance, to knowingly or intentionally and primarily inhale the material or substance through combustion commits a serious misdemeanor and is also subject to permit revocation.

3. *a.* If a person holding a device retailer permit or a device delivery sale permit under [this chapter](#) has willfully violated [this chapter](#), the department shall revoke the permit upon notice and hearing. The hearing before the department may be held at a site in the state as the department may direct. The notice shall be given by mailing a copy to the permit holder's place of business as it appears on the application for a permit. If, upon hearing, the department finds that the violation has occurred, the department may revoke the permit.

b. If a device retailer permit or a device delivery sale permit is suspended or revoked under [this section](#), the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the permit applies but at which the violation did not occur.

c. A local authority shall report the suspension or revocation of a device retailer permit or a device delivery sale permit under [this section](#) to the department within thirty days of the suspension or revocation of the permit.

4. In addition to any other applicable penalties, a device retailer permit holder or a device delivery sale permit holder who violates [this chapter](#) shall be subject to the following:

a. For a first violation, a civil penalty of five hundred dollars.

b. For a second violation, a civil penalty of one thousand dollars.

c. A third violation constitutes grounds for suspension or revocation of the permit under [this chapter](#).

5. A person other than a device retailer permit holder or a device delivery sale permit holder who violates [this chapter](#), including a person who engages in the business of a device retailer at any place of business or through delivery sales without holding an applicable, valid permit under [this chapter](#), commits a serious misdemeanor and shall also be subject to the following civil penalties:

a. For a first violation, a civil penalty of one thousand dollars.

b. For a second violation, a civil penalty of two thousand dollars.

c. For a third or subsequent violation, a civil penalty of five thousand dollars.

[2024 Acts, ch 1165, §7, 8](#)

Section effective January 1, 2025; 2024 Acts, ch 1165, §8

NEW section