

453E.3 Device retailers — permits — fees.

1. *Permits required.* A person shall not engage in the business of a device retailer at any place of business or through delivery sales, unless the person complies with all of the following:

a. The person has received and holds a permit as a tobacco retailer pursuant to [section 453A.47A](#) that has not been suspended or revoked and is not expired; complies with the provisions of [chapter 453A](#) applicable to a tobacco retailer; and sells tobacco products in addition to devices at the retail outlet or through delivery sales.

b. The person has received and holds a permit as a device retailer pursuant to [this section](#) that has not been suspended or revoked and is not expired, and complies with the provisions of [this chapter](#).

2. *No sales without device retailer permit.* A device retailer shall not sell devices until an application has been filed and the fee prescribed paid for a permit and until such permit is obtained and only while such permit is not suspended, revoked, or expired.

3. *Number of device retailer permits.* An application shall be filed and a permit obtained for each place of business owned or operated by a device retailer located in the state. If an out-of-state device retailer makes delivery sales of devices, an application shall be filed with the department and a permit shall be issued for the out-of-state device retailer's principal place of business.

4. *Issuance.*

a. Cities may approve device retailer permit applications for applicants located within their respective limits. County boards of supervisors may approve device retailer permit applications for applicants located in their respective counties, outside of the corporate limits of cities.

b. Upon approval of a device retailer permit application by a city or county, the department shall issue the permit to the applicant on behalf of the city or county, as applicable, in a manner determined by the department. A city or county shall use the department's electronic portal to process device retailer permit applications. A city or county that is unable to use the department's electronic portal may request permission from the director to process device retailer permit applications by another method.

c. The department shall submit the current list of all device retailer permits issued to the department of health and human services by the last day of each quarter of a state fiscal year.

5. *Fees — expiration.* All device retailer permits provided for in [this section](#) shall expire on June 30 of each year. A device retailer permit shall not be granted or issued until the applicant has paid the fees provided for in [this section](#) for the period ending June 30 next, to the department. The fee for a device retailer permit is one thousand five hundred dollars.

6. *Application.* Device retailer permits shall be issued only upon application, accompanied by the one thousand five hundred dollar fee, made upon forms furnished by the department. The application, any supporting documentation, and the associated fees required by [this section](#) shall be submitted to the department electronically. The forms shall specify all of the following:

a. The manner under which the device retailer transacts or intends to transact business as a device retailer.

b. The principal office, residence, and place of business, to which the device retailer permit is to apply.

c. If the applicant is not an individual, the names of the partners if the applicant is a partnership or the names of the principal officers or members if the applicant is a legal entity, and their addresses.

d. Such other information as the director shall by rule prescribe.

7. *Records and reports of device retailers.*

a. The director shall prescribe the forms necessary for the efficient administration of [this section](#) and may require uniform books and records to be used and kept by each device retailer or other person as deemed necessary.

b. Every device retailer shall, when requested by the department, make additional reports as the department deems necessary and proper and shall at the request of the department

furnish full and complete information pertaining to any transaction of the device retailer involving the purchase or sale of devices, including the number of devices sold.

8. *Requirements for sale.*

a. A device retailer shall not sell, give, or otherwise supply a device to any person under twenty-one years of age and shall verify the age of all purchasers of devices. If a device is purchased at a retail outlet, valid proof of the purchaser's identity and age shall be obtained at the time the device is supplied to the purchaser. If a device is purchased through a delivery sale, valid proof of the purchaser's identity and age shall be obtained in accordance with [section 453E.4](#).

b. A device retailer shall only display and sell devices in a location of a retail outlet where the device retailer ensures that the devices are not visible to a person younger than twenty-one years of age and where no person younger than twenty-one years of age is present or permitted to enter at any time.

[2024 Acts, ch 1165, §3, 8](#)