

**701—235.5(453E) Device retailers; age verification; display and entry.**

**235.5(1) Age verification.** Before completing the sale of devices, device retailers must verify all purchasers are aged 21 or older as required in Iowa Code section 453E.3(8) “a.”

**235.5(2) Display.***a. Definitions.*

“*Generally display*” includes displaying devices on shelves, counters, or cupboards visible only to those persons allowed entry to the retail establishment.

“*Restrict entry*” means the retailer actively checks the age of every person entering the establishment to ensure only persons who are at least 21 years of age enter.

*b. Age restriction.*

(1) All retail locations. Iowa Code chapter 453E provides that device retailers shall not display any devices in any part of a retail location where the devices are or could be visible to anyone younger than 21 years of age; however, the statute does not prescribe a specific method of display that prevents those under the age of 21 from viewing devices.

1. Device retailers cannot allow anyone younger than 21 years of age to view devices inside the retail establishment, including persons younger than 21 years of age who are accompanied by a parent or guardian.

2. Displaying devices in an external display window visible to the general public is prohibited.

3. Using signage such as “21 & OLDER ONLY” without checking the age of every person entering the establishment is not sufficient to restrict entry to the retail location.

(2) Retail locations with age restrictions for entry. If a retail location restricts entry to the entire retail establishment only to those who are at least 21 years of age and devices are not visible to the general public from outside the retail location, devices may be generally displayed within the retail establishment.

(3) Retail locations that do not restrict entry by age. In determining whether a manner of display is in compliance with Iowa Code chapter 453E and the rules herein, the following will be considered:

1. Displaying devices within a retail location openly on shelves, counters, or cupboards visible to anyone in the retail establishment is generally prohibited if the retail establishment does not restrict entry into the establishment to persons 21 years of age and older.

2. Displaying devices in a separate room in the retail location where only persons aged 21 years and older can enter and view the devices is permitted as long as persons under 21 years of age are restricted from entry into the separate room where the devices are displayed.

3. Displaying devices in nonstructural spaces within the retail establishment utilizing a screen, curtain, or similar material that restricts visibility to the device is permissible if only persons aged 21 years and older are permitted by the retailer to enter the nonstructural space and to view the devices.

4. Retailers must also ensure that, even after purchase by an authorized purchaser, devices are not visible to persons under 21 years of age while the devices remain within the retail establishment’s premises. Methods for preventing visibility to persons under the age of 21 include the use of opaque wrapping, bags, or boxes in which a purchased device is placed after sale.

*c. Examples.*

EXAMPLE 1: Device Retailer A places a sign by the entrance of the retail establishment that says, “You must be at least 21 years of age to enter”, does not monitor the age of every person who enters the establishment, and only removes persons from the store if they appear to be under 21 years of age. Because A does not restrict entry, A cannot generally display devices so they are visible to anyone inside the establishment.

EXAMPLE 2: Device Retailer B checks the identification of every person entering the establishment to ensure they are at least 21 years of age. Because B restricts entry, B may generally display devices so they are visible to anyone inside the establishment. However, B cannot display devices so they are visible to persons outside the establishment.

EXAMPLE 3: Device Retailer C stores devices on shelves behind an opaque curtain near the register. The devices are not visible while the curtain covers them. C monitors the curtain and only allows persons who verify they are at least 21 years of age to look behind the curtain. When permitted persons look behind

the curtain, the devices are not visible to anyone else in the store. C permissibly prevents persons under 21 years of age from viewing devices in the nonstructural space of the establishment consistent with this rule.

EXAMPLE 4: Device Retailer D stores devices on shelves behind a locked, opaque door. The devices are not visible while the door is shut. C only opens the door when requested by a person who verifies they are at least 21 years of age. However, the devices are generally visible to anyone inside the store when the door is open, and D does not restrict entry or verify that no one younger than 21 years of age is in the establishment before opening the door. Because persons younger than 21 years of age can view the devices when the door is open, D impermissibly allows persons younger than 21 years of age to view devices in violation of this rule.

**235.5(3)** *Sales through vending machines prohibited.* Devices cannot be sold through a vending machine.

This rule is intended to implement Iowa Code section 453E.3.

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