

701—235.6(453E) Delivery sale requirements.**235.6(1) Verification of recipient's age.**

a. Prior to finalizing a sale to the purchaser, the device delivery seller must verify that the purchaser is at least 21 years of age in one of the following ways:

(1) Use a commercially available database, or aggregate of databases, that is regularly used by government and businesses for the purpose of age and identity verification.

(2) Obtain a copy of a valid government-issued document that provides the name, address, and date of birth of the purchaser.

b. For each device delivery sale, the device delivery seller must retain proof that it verified the purchaser is at least 21 years of age. The delivery seller must retain this proof for at least five years after the delivery sale.

c. Before completing the delivery of devices, a person making delivery sales must perform all of the following:

(1) Obtain a valid form of identification from the recipient.

(2) Review the provided identification and verify that the identification:

1. Is valid;

2. Identifies the recipient; and

3. Establishes the recipient is 21 years of age or older.

d. The recipient of the device to be delivered must be a person aged 21 or older. Deliveries shall not be left:

(1) In a mail or post office box;

(2) In any unattended area inside or outside of a building, home, office or other location; or

(3) With anyone younger than 21 years of age.

e. No delivery shall be completed if the recipient is unable to provide or the delivery person is unable to verify a valid form of identification indicating the recipient is 21 years of age or older.

235.6(2) Signature.

a. A delivery person must obtain the signature of the recipient and verify that the recipient is aged 21 years or older before completing the device delivery.

b. Signatures can be collected via a paper or electronic form.

c. Delivery signature must include the date of delivery and the printed version of the recipient's name, along with the recipient's signature.

d. Device delivery sale permit holders must electronically submit records of delivered devices via GovConnectIowa. Such permit holders must also retain the records of delivered devices and provide these records when requested by the department as required by Iowa Code section 453E.4.

235.6(3) Labels.

a. Devices delivered by delivery sale directly to Iowa residents must be conspicuously labeled with the words, "CONTAINS DEVICE: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."

b. Required labels must be directly on the package containing the device(s) and must not be placed on any type of wrapping, whether made of plastic or other material, that could be removed from the package containing the device(s).

c. Labels may use alternative language to that identified in paragraph 235.6(3) "a" only after approval by the director. Requests for alternative wording must be made to the director in writing and approved before any alternative wording can be used.

This rule is intended to implement Iowa Code section 453E.4.

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