

Senate File 345

H-8087

1 Amend Senate File 345, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking page 4, line 32, through page 5, line 9, and
4 inserting:

5 <4. *Issuance.*

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

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

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

24 2. Page 5, by striking lines 14 and 15 and inserting <the
25 period ending June 30 next, to the department. The fee for a
26 device retailer>

27 3. Page 5, by striking lines 17 through 23 and inserting:

28 <6. *Application.* Device retailer permits shall be issued
29 only upon application, accompanied by the one thousand
30 five hundred dollar fee, made upon forms furnished by the
31 department. The application, any supporting documentation, and
32 the associated fees required by this section shall be submitted
33 to the department electronically. The forms shall specify all
34 of the following:>

35 4. By striking page 6, line 27, through page 7, line 10, and

1 inserting:

2 <1. A person shall not mail, ship, or otherwise cause to be
3 delivered any device in connection with a delivery sale to any
4 other person within this state unless the person has applied
5 for and holds a device delivery sale permit as provided in this
6 section.

7 2. All device delivery sale permits provided for in
8 this section shall expire on June 30 of each year. A device
9 delivery sale permit shall not be granted or issued until the
10 applicant has paid the fees provided for in this section for
11 the period ending June 30 next, to the department. The fee
12 for a device delivery sale permit is one thousand five hundred
13 dollars.

14 3. Device delivery sale permits shall be issued only upon
15 application, accompanied by the one thousand five hundred
16 dollar fee, made upon forms furnished by the department. The
17 application, any supporting documentation, and the associated
18 fees required by this section shall be submitted to the
19 department electronically. The forms shall specify all of the
20 following:

21 a. The manner under which the device delivery sale permit
22 holder transacts or intends to transact business as a device
23 delivery sale permit holder.

24 b. The principal office, residence, and place of business,
25 to which the device delivery sale permit is to apply.

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

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

32 5. Page 7, line 11, by striking <2.> and inserting <4.>

33 6. Page 7, line 35, after <submitted> by inserting
34 <electronically>

35 7. Page 8, line 4, by striking <3.> and inserting <5.>

1 8. Page 8, line 5, after <director> by inserting
2 <electronically>

3 9. Page 8, line 10, by striking <4.> and inserting <6.>

4 10. Page 8, by striking lines 25 through 28 and inserting:
5 <2. a. There is levied and imposed an excise tax on a
6 device purchased in this state through a sale by a device
7 retailer or purchased for use in this state through a delivery
8 sale of forty percent of the retail sales price of the device.
9 b. For the purposes of this section, "*retail sales price*"
10 means the total amount of consideration, including cash,
11 credit, property, and services, for which personal property or
12 services are sold, leased, or rented, valued in money, whether
13 received in money or otherwise, without any deduction for any
14 of the following:

15 (1) The device retailer's or device delivery sale permit
16 holder's cost of the device sold.

17 (2) The cost of materials used, labor or service cost,
18 interest, losses, all costs of transportation to the device
19 retailer or to the device delivery sale permit holder, as
20 applicable, all taxes imposed on the device retailer or the
21 device delivery sale permit holder except as provided in
22 paragraph "c", subparagraphs (5) and (6), and any other expenses
23 of the device retailer or device delivery sale permit holder.

24 (3) Charges by the device retailer or device delivery sale
25 permit holder for any services necessary to complete the sale,
26 other than delivery and installation charges.

27 (4) Delivery charges.

28 c. "*Retail sales price*" does not include any of the
29 following:

30 (1) Discounts, including cash, term, or coupons that are
31 not reimbursed by a third party that are allowed by a device
32 retailer or a device delivery sale permit holder and taken by a
33 consumer on sale.

34 (2) Interest, financing, carrying charges from credit
35 extended on the sale of a device, if the amount is separately

1 stated on the invoice, bill of sale, or similar document given
2 to the consumer.

3 (3) Any taxes legally imposed directly on the consumer that
4 are separately stated on the invoice, bill of sale, or similar
5 document given to the consumer.

6 (4) Trade discounts given or allowed by manufacturers,
7 distributors, or wholesalers to device retailers or
8 device delivery sale permit holders or by manufacturers or
9 distributors to wholesalers and payments made by manufacturers,
10 distributors, or wholesalers directly to device retailers
11 or device delivery sale permit holders or by manufacturers
12 or distributors to wholesalers to reduce the sales price of
13 the manufacturer's, distributor's, or wholesaler's product
14 or to promote the sale or recognition of the manufacturer's,
15 distributor's, or wholesaler's product. This subparagraph does
16 not apply to coupons issued by manufacturers, distributors, or
17 wholesalers to consumers.

18 (5) Any state or local tax on a sale that is imposed on the
19 device retailer or device delivery sale permit holder if the
20 statute, rule, or local ordinance imposing the tax provides
21 that the device retailer or device delivery sale permit holder
22 may but is not required to collect such tax from the consumer,
23 and if the tax is separately stated on the invoice, bill of
24 sale, or similar document given to the consumer.

25 (6) Any tribal tax on a sale that is imposed on the device
26 retailer or device delivery sale permit holder if the tribal
27 law imposing the tax provides that the device retailer or
28 device delivery sale permit holder may but is not required
29 to collect such tax from the consumer, and if the tax is
30 separately stated on the invoice, bill of sale, or similar
31 document given to the consumer.

32 d. The retail sales price does not include, and the device
33 excise tax shall not apply to, amounts received for charges
34 included in paragraph "b", subparagraphs (3) and (4), if the
35 charges are separately contracted for, separately stated on

1 the invoice, bill of sale, or similar document given to the
2 consumer, and the amounts represent charges which are not the
3 retail sales price of a taxable sale of a device under this
4 chapter.>

5 11. Page 8, line 35, after <department> by inserting
6 <electronically>

7 12. Page 10, by striking lines 14 through 26 and inserting:
8 <1. A specialty courts program fund is created in the
9 state treasury under the control of the office of drug control
10 policy. Moneys from permit fees, with the exception of
11 permit fees collected by the department on behalf of cities or
12 counties in the issuance of permits, and excise taxes imposed
13 and collected pursuant to section 453E.5, shall be deposited in
14 the fund. Permit fees collected by the department on behalf of
15 cities under this chapter shall be remitted by the department
16 to the treasurer of the city where the permit is effective
17 and credited to the general fund of the city. Permit fees
18 collected by the department on behalf of counties under this
19 chapter shall be remitted by the department to the treasurer of
20 the county where the permit is effective and credited to the
21 general fund of the county.>

22 13. Page 10, line 27, by striking <governor's>

23 14. Page 10, line 33, by striking <governor's>

24 15. Page 11, line 3, by striking <governor's>

25 16. Page 11, line 25, by striking <governor's>

26 17. Page 12, by striking lines 24 through 28 and inserting:

27 <c. A local authority shall report the suspension or
28 revocation of a device retailer permit or a device delivery
29 sale permit under this section to the department within thirty
30 days of the suspension or revocation of the permit.>

31 18. Page 13, line 17, by striking <2024> and inserting
32 <2025>

33 19. By renumbering, redesignating, and correcting internal
34 references as necessary.

KAUFMANN of Cedar