

**EIGHTY-FIFTH GENERAL ASSEMBLY
2014 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

FEBRUARY 11, 2014

HOUSE FILE 642

H-8005

1 Amend House File 642 as follows:

2 1. Page 1, line 2, by striking <2013> and inserting
3 <2014>

4 2. Page 1, line 32, after <of the county.> by
5 inserting <The director of revenue shall prescribe by
6 rule the form for written notices required to be sent
7 by the commissioner of elections under this paragraph.>

COMMITTEE ON LOCAL GOVERNMENT

SCHULTZ of Crawford, Chairperson

H-8005

FILED FEBRUARY 10, 2014

HOUSE FILE 2108

H-8004

1 Amend the amendment, H-8001, to House File 2108 as
2 follows:

3 1. Page 1, after line 22 by inserting:

4 <Sec. _____. Section 441.26, subsection 1, Code 2014,
5 is amended to read as follows:

6 1. The director of revenue shall each year
7 prescribe the form of assessment roll to be used by
8 all assessors in assessing property, in this state,
9 also the form of pages of the assessor's assessment
10 book. The assessment rolls shall be in a form that
11 will permit entering, separately, the names of all
12 persons assessed, and shall also contain a notice in
13 substantially the following form:

14 If you are not satisfied that the foregoing
15 assessment is correct, you may contact the assessor on
16 or after April 2, to and including ~~May 4~~ April 25,
17 of the year of the assessment to request an informal
18 review of the assessment pursuant to section 441.30.

19 If you are not satisfied that the foregoing
20 assessment is correct, you may file a protest against
21 such assessment with the board of review on or after
22 April 7 ~~2~~, to and including ~~May 5~~ April 30, of the year
23 of the assessment, such protest to be confined to the
24 grounds specified in section 441.37.

25 Dated: .. day of ... (month), .. (year)

26

27 County/City Assessor.>

28 2. Page 1, after line 39 by inserting:

29 <Sec. _____. Section 441.28, Code 2014, is amended to
30 read as follows:

31 441.28 Assessment rolls -- change -- notice to
32 taxpayer.

33 The assessment shall be completed not later than
34 April 1 each year. If the assessor makes any change
35 in an assessment after it has been entered on the
36 assessor's rolls, the assessor shall note on the
37 roll, together with the original assessment, the new
38 assessment and the reason for the change, together
39 with the assessor's signature and the date of the
40 change. Provided, however, in the event the assessor
41 increases any assessment the assessor shall give notice
42 of the increase in writing to the taxpayer by mail
43 postmarked no later than April 1. No changes shall be
44 made on the assessment rolls after April 1 except by
45 written agreement of the taxpayer and assessor under
46 section 441.30, by order of the board of review or of
47 the property assessment appeal board, or by decree of
48 court.

49 Sec. _____. Section 441.30, Code 2014, is amended to
50 read as follows:

H-8004

1 441.30 Informal assessment review period --
2 ~~recommendation~~ written agreement.

3 1. Any property owner or aggrieved taxpayer who is
4 dissatisfied with the owner's or taxpayer's assessment
5 may contact the assessor by telephone or in writing
6 by paper or electronic medium on or after April 7 ~~2,~~
7 to and including ~~May 4~~ April 25, of the year of the
8 assessment to inquire about the specifics and accuracy
9 of the assessment. Such an inquiry may also include a
10 request for an informal review of the assessment by the
11 assessor under one or more of the grounds for protest
12 authorized under section 441.37 for the same assessment
13 year.

14 2. In response to an inquiry under subsection 1, if
15 the assessor, following an informal review, determines
16 that the assessment was incorrect under one or more
17 of the grounds for protest authorized under section
18 441.37 for the same assessment year, the assessor may
19 ~~recommend that the property owner or aggrieved taxpayer~~
20 ~~file a protest with the local board of review and may~~
21 ~~file a recommendation with the local board of review~~
22 ~~related to the informal review on or before April 25~~
23 enter into a signed written agreement with the property
24 owner or aggrieved taxpayer authorizing the assessor
25 to correct or modify the assessment according to the
26 agreement of the parties.

27 ~~3. A recommendation filed with the local board~~
28 ~~of review by the assessor pursuant to subsection 2~~
29 ~~shall be utilized by the local board of review in the~~
30 ~~evaluation of all evidence properly before the local~~
31 ~~board of review.~~

32 ~~4. 3. This section, including any action taken by~~
33 ~~the assessor under this section, shall not be construed~~
34 to limit a property owner or taxpayer's ability to file
35 a protest with the local board of review under section
36 441.37.>

37 3. Page 2, after line 20 by inserting:

38 <Sec. ____ . Section 441.37, subsection 1, paragraph
39 a, unnumbered paragraph 1, Code 2014, is amended to
40 read as follows:

41 Any property owner or aggrieved taxpayer who is
42 dissatisfied with the owner's or taxpayer's assessment
43 may file a protest against such assessment with the
44 board of review on or after April 7 ~~2,~~ to and including
45 ~~May 5~~ April 30, of the year of the assessment. In any
46 county which has been declared to be a disaster area
47 by proper federal authorities after March 1 and prior
48 to May 20 of said year of assessment, the board of
49 review shall be authorized to remain in session until
50 June 15 and the time for filing a protest shall be

H-8004

Page 3

1 extended to and include the period from May 25 to June
2 5 of such year. The protest shall be in writing and,
3 except as provided in subsection 3, signed by the one
4 protesting or by the protester's duly authorized agent.
5 The taxpayer may have an oral hearing on the protest if
6 the request for the oral hearing is made in writing at
7 the time of filing the protest. The protest must be
8 confined to one or more of the following grounds:>
9 4. Page 2, line 30, by striking <7> and inserting
10 <7 2>
11 5. By renumbering, redesignating, and correcting
12 internal references as necessary.

By SANDS of Louisa

H-8004 FILED FEBRUARY 10, 2014

HOUSE FILE 2109

H-8006

1 Amend House File 2109 as follows:
2 1. Page 4, after line 6 by inserting:
3 <Sec. ____ . Section 453A.13, subsection 1, Code
4 2014, is amended to read as follows:
5 1. Permits required. Every distributor,
6 wholesaler, cigarette vendor, and retailer, now engaged
7 or who desires to become engaged in the sale or use of
8 cigarettes, upon which a tax is required to be paid,
9 and every retailer now engaged or who desires to become
10 engaged in selling, offering for sale, or distributing
11 alternative nicotine products or vapor products
12 shall obtain a state or retail ~~cigarette~~ permit as a
13 distributor, wholesaler, cigarette vendor, or retailer,
14 as the case may be.>
15 2. By renumbering as necessary.

By BALTIMORE of Boone

H-8006 FILED FEBRUARY 10, 2014

HOUSE FILE 2109

H-8007

1 Amend House File 2109 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 142B.1 Definitions.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Electronic smoking device" means any product
8 containing or delivering nicotine or other substance
9 intended for human consumption that can be used by a
10 person to simulate smoking including through inhalation
11 of vapor or aerosol from the product. "Electronic
12 smoking device" does not include any product that
13 has been approved by the United States food and drug
14 administration for sale as a tobacco cessation product
15 and is being marketed and sold solely for that approved
16 purpose.

17 2. "Retail permit" means a permit issued pursuant
18 to section 453A.13 or 453A.47A to retailers of
19 cigarettes or tobacco products.

20 3. "Retailer" means any person in this state who
21 sells, distributes, or offers for sale for consumption
22 or possesses for the purpose of sale for consumption,
23 electronic smoking devices irrespective of quantity or
24 amount or the number of sales.

25 Sec. 2. NEW SECTION. 142B.2 Retail permits
26 required.

27 1. It shall be unlawful for a person other than
28 a holder of a retail permit to act as a retailer and
29 sell, distribute, or offer for sale electronic smoking
30 devices at retail under this chapter.

31 2. A retailer shall not sell, distribute, or
32 offer for sale any electronic smoking device until
33 an application has been filed and the fee prescribed
34 paid for a retail permit and until such retail permit
35 is obtained and only while such retail permit is not
36 suspended, unrevoked, or unexpired.

37 3. The provisions of chapter 453A applicable to
38 retail permit holders including but not limited to
39 section 453A.13, 453A.22, 453A.47A, and 453A.50 shall
40 also apply to retailers under this chapter, with the
41 exception of the application to electronic smoking
42 devices of requirements relating to the imposition of
43 a tax on and the affixing of stamps to cigarettes or
44 tobacco products.

45 Sec. 3. NEW SECTION. 142B.3 Access to electronic
46 smoking devices ---- compliance checks ---- manner of sale
47 ---- samples ---- penalties.

48 1. A person shall not sell, give, or otherwise
49 supply any electronic smoking device to any person
50 under eighteen years of age.

H-8007

1 2. A person under eighteen years of age shall not
2 use, possess, purchase, or attempt to purchase any
3 electronic smoking device.

4 3. A retailer shall not sell or offer for sale
5 electronic smoking devices through the use of a
6 self-service display.

7 4. Any sales of electronic smoking devices made
8 through a cigarette vending machine are subject
9 to rules relative to retail sales of cigarettes
10 and tobacco products provided for in chapter 453A,
11 including section 453A.36, subsection 6.

12 5. A retailer shall not give away electronic
13 smoking devices at any time in connection with the
14 retailer's business or for promotion of the business
15 or device including to any person under eighteen years
16 of age, or within five hundred feet of any playground,
17 school, high school, or other facility when such
18 facility is being used primarily by persons under
19 age eighteen for recreational, educational, or other
20 purposes.

21 6. Possession of an electronic smoking device by an
22 individual under a person eighteen years of age does
23 not constitute a violation under this section if the
24 individual under eighteen years of age possesses the
25 electronic smoking device as part of the individual's
26 employment and the individual is employed by a person
27 who holds a valid retail permit.

28 7. a. The alcoholic beverages division of the
29 department of commerce, a county, or a city may
30 directly enforce subsections 1 and 2 in district court
31 and initiate proceedings pursuant to section 453A.22
32 before a permit-issuing authority which issued the
33 retail permit against a retail permit holder violating
34 this section.

35 b. Payment and distribution of court costs, fees,
36 and fines in a prosecution initiated by a city or
37 county relating to subsection 1 or 2 shall be made as
38 provided in chapter 602 for violation of a city or
39 county ordinance.

40 c. If a county or a city has not assessed a penalty
41 as provided in section 453A.22, subsection 2, for a
42 violation of subsection 1, within sixty days of the
43 adjudication of the violation, the matter shall be
44 transferred to and be the exclusive responsibility of
45 the alcoholic beverages division of the department
46 of commerce. Following transfer of the matter, if
47 the violation is contested, the alcoholic beverages
48 division of the department of commerce shall request
49 an administrative hearing before an administrative
50 law judge, assigned by the division of administrative

1 hearings of the department of inspections and appeals
2 in accordance with the provisions of section 10A.801,
3 to adjudicate the matter pursuant to chapter 17A.

4 d. The provisions of section 453A.4 relating
5 to seizure of a false or altered driver's license
6 or nonoperator's identification card shall apply
7 to retailers and employees of retailers under this
8 chapter.

9 e. The alcoholic beverages division of the
10 department of commerce shall enhance and utilize the
11 tobacco compliance employee training program developed
12 pursuant to section 453A.5 to assess compliance with
13 subsections 1 and 2 by employees and prospective
14 employees of retailers. Civil penalties assessed under
15 section 453A.22 for violations of this subsections 1
16 and 2 shall be deposited in the tobacco compliance
17 employee training fund created in section 453A.2.

18 Sec. 4. NEW SECTION. 142B.4 Penalties.

19 1. a. (1) A person, other than a retailer, who
20 violates section 142B.3, subsection 1, is subject to
21 the same penalties applicable to a violation of section
22 453A.2, subsection 1.

23 (2) An employee of a retailer who violates section
24 142B.3, subsection 1, is subject to the same penalties
25 applicable to a violation of section 453A.2, subsection
26 1.

27 b. A person who violates section 142B.2, subsection
28 2, is subject to the same penalties applicable to
29 violations of section 453A.2, subsection 2.

30 c. (1) A person shall not be guilty of a violation
31 of section 142B.3, subsection 1 or 2, if conduct that
32 would otherwise constitute a violation is performed to
33 assess compliance with electronic smoking device laws
34 if any of the following applies:

35 (a) The compliance effort is conducted by or under
36 the supervision of law enforcement officers.

37 (b) The compliance effort is conducted with the
38 advance knowledge of law enforcement officers and
39 reasonable measures are adopted by those conducting
40 the effort to ensure that use of electronic smoking
41 devices by individuals under eighteen years of age does
42 not result from participation by any individual under
43 eighteen years of age in the compliance effort.

44 d. For the purposes of paragraph "c", "law
45 enforcement officer" means a peace officer as defined
46 in section 801.4 and includes persons designated under
47 section 142B.3, subsection 7, to enforce this section.

48 2. a. A retailer who violates section 142B.3,
49 subsection 3, is subject to the same penalties
50 applicable to a violation of section 453A.36A.

1 b. A retailer who willfully violates section
2 142B.3, subsection 1 or 2, or who violates another
3 provision of this chapter, is subject to the applicable
4 provisions of section 453A.22 for violations of section
5 453A.2 or other provisions of chapter 453A.

6 c. A retailer or employee of a retailer who
7 violates section 142B.3, subsection 1 or 3, is subject
8 to the provisions of section 453A.22 applicable to
9 a violation of section 453A.2 or section 453A.36,
10 subsection 6.

11 d. A retailer of an employee who violates section
12 142B.3, subsection 1, is subject to the provisions of
13 section 453A.22, subsection 3.

14 e. Section 453A.22, subsections 5, 6, and 7 shall
15 also apply to the suspensions or revocations of retail
16 permits resulting under this subsection.

17 3. Retailers shall be subject to other penalties
18 specified under chapter 453A including those specified
19 for certain violations pursuant to section 453A.31,
20 453A.37, and 453A.47A applicable to retail permit
21 holders.>

22 2. Title page, lines 1 and 2, by striking <vapor
23 products and alternative nicotine products> and
24 inserting <electronic smoking devices>

By T. OLSON of Linn KEARNS of Lee
ABDUL-SAMAD of Polk KELLEY of Jasper
ANDERSON of Polk LENSING of Johnson
BERRY of Black Hawk MASCHER of Johnson
GAINES of Polk H. MILLER of Webster
GASKILL of Wapello OLDSON of Polk
HALL of Woodbury PRICHARD of Floyd
HANSON of Jefferson STAED of Linn
HEDDENS of Story STECKMAN of Cerro Gordo
JACOBY of Johnson

HOUSE FILE 2109

H-8008

1 Amend House File 2109 as follows:

2 1. Page 4, line 30, by striking <cigarette samples
3 --> and inserting <~~cigarette~~ cigarettes -- samples --
4 school property -->

5 2. Page 5, after line 28 by inserting:

6 <3. The use or possession of an alternative
7 nicotine product or a vapor product is prohibited on
8 the property of any public or nonpublic school as
9 defined in section 280.2. The board of directors of
10 a school district pursuant to chapter 279 and the
11 authorities in charge of each nonpublic school shall
12 adopt necessary rules to administer this subsection.>

By RUFF of Clayton MASCHER of Johnson
ABDUL-SAMAD of Polk H. MILLER of Webster
ANDERSON of Polk MURPHY of Dubuque
BERRY of Black Hawk OLDSOON of Polk
GAINES of Polk T. OLSON of Linn
GASKILL of Wapello OURTH of Warren
HANSON of Jefferson PRICHARD of Floyd
ISENHART of Dubuque STAED of Linn
JACOBY of Johnson STECKMAN of Cerro Gordo
KEARNS of Lee T. TAYLOR of Linn
KELLEY of Jasper WINCKLER of Scott
LENSING of Johnson

H-8008 FILED FEBRUARY 10, 2014

HOUSE FILE 2109

H-8009

1 Amend House File 2109 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 142A.6, subsection 6, paragraph
4 d, Code 2014, is amended to read as follows:

5 d. For the purpose of this subsection,
6 manufacturer, distributor, wholesaler, retailer, and
7 distributing agent mean as defined in section 453A.1
8 or 453A.42.

9 Sec. 2. Section 232C.4, subsection 3, Code 2014, is
10 amended to read as follows:

11 3. An emancipated minor shall remain subject
12 to voting restrictions under chapter 48A, gambling
13 restrictions under chapter 99B, 99D, 99F, 99G, or 725,
14 alcohol restrictions under chapter 123, compulsory
15 attendance requirements under chapter 299, and
16 cigarette tobacco, tobacco products, alternative
17 nicotine products, vapor products, and cigarette
18 restrictions under chapter 453A.

19 Sec. 3. Section 321.216C, Code 2014, is amended to
20 read as follows:

21 321.216C Use of driver's license or nonoperator's
22 identification card by underage person to obtain
23 cigarettes or tobacco, tobacco products, alternative
24 nicotine products, vapor products, or cigarettes.

25 A person who is under the age of eighteen, who
26 alters or displays or has in the person's possession
27 a fictitious or fraudulently altered driver's license
28 or nonoperator's identification card and who uses
29 the license or card to violate or attempt to violate
30 section 453A.2, subsection 2, commits a simple
31 misdemeanor punishable as a scheduled violation under
32 section 805.8A, subsection 4. The court shall forward
33 a copy of the conviction to the department.>

34 2. Page 1, by striking lines 1 and 2 and inserting:

35 <Sec. _____. Section 453A.1, subsections 19 and 21,
36 Code 2014, are amended to read as follows:

37 19. "Place of business" is construed to mean
38 and include any place where cigarettes, alternative
39 nicotine products, or vapor products are sold or where
40 cigarettes, alternative nicotine products, or vapor
41 products are stored within or without the state of
42 Iowa by the holder of an Iowa permit or kept for the
43 purpose of sale or consumption; or if sold from any
44 vehicle or train, the vehicle or train on which or from
45 which such cigarettes, alternative nicotine products,
46 or vapor products are sold shall constitute a place of
47 business.>

48 3. Page 1, line 16, by striking <regulated> and
49 inserting <approved>

50 4. Page 1, line 18, after <Act> by inserting <for

H-8009

1 sale as a tobacco cessation product that is being
2 marketed and sold solely for the approved purpose>

3 5. Page 1, line 26, by striking <regulated> and
4 inserting <approved>

5 6. Page 1, line 28, after <Act> by inserting <for
6 sale as a tobacco cessation product that is being
7 marketed and sold solely for the approved purpose>

8 7. Page 2, by striking line 13 and inserting
9 <cigarettes or tobacco, tobacco products, alternative
10 nicotine products, vapor products, or cigarettes.>

11 8. Page 4, after line 6 by inserting:

12 <Sec. _____. Section 453A.13, subsection 1, Code
13 2014, is amended to read as follows:

14 1. Permits required. Every distributor,
15 wholesaler, cigarette vendor, and retailer, now engaged
16 or who desires to become engaged in the sale or use of
17 cigarettes, upon which a tax is required to be paid,
18 and every retailer now engaged or who desires to become
19 engaged in selling, offering for sale, or distributing
20 alternative nicotine products or vapor products
21 shall obtain a state or retail ~~cigarette~~ permit as a
22 distributor, wholesaler, cigarette vendor, or retailer,
23 as the case may be.

24 Sec. _____. Section 453A.13, subsection 2, paragraph
25 a, Code 2014, is amended to read as follows:

26 a. The department shall issue state permits to
27 distributors, wholesalers, and cigarette vendors
28 subject to the conditions provided in this division.
29 Cities may issue retail permits to ~~dealers~~ retailers
30 within their respective limits. County boards of
31 supervisors may issue retail permits to ~~dealers~~
32 retailers in their respective counties, outside of the
33 corporate limits of cities.

34 Sec. _____. Section 453A.13, subsections 6, 9, and
35 10, Code 2014, are amended to read as follows:

36 6. No sales without permit. ~~No~~ A distributor,
37 wholesaler, cigarette vendor, or retailer shall not
38 sell any cigarettes, alternative nicotine products, or
39 vapor products until such application has been filed
40 and the fee prescribed paid for a permit and until
41 such permit is obtained and only while such permit is
42 unrevoked and unexpired.

43 9. Permit ---- form and contents. Each permit issued
44 shall describe clearly the place of business for which
45 it is issued, shall be nonassignable, consecutively
46 numbered, designating the kind of permit, and shall
47 authorize the sale of cigarettes, alternative nicotine
48 products, or vapor products in this state subject to
49 the limitations and restrictions herein contained. The
50 retail permits shall be upon forms furnished by the

1 department or on forms made available or approved by
2 the department.

3 10. Permit displayed. The permit shall, at all
4 times, be publicly displayed by the distributor,
5 wholesaler, or retailer at the place of business so
6 as to be easily seen by the public and the persons
7 authorized to inspect the place of business. The
8 proprietor or keeper of any building or place where
9 cigarettes and other, alternative nicotine products,
10 vapor products, or tobacco products are kept for sale,
11 or with intent to sell, shall upon request of any agent
12 of the department or any peace officer exhibit the
13 permit. A refusal or failure to exhibit the permit is
14 prima facie evidence that the cigarettes, alternative
15 nicotine products, vapor products, tobacco, or other
16 tobacco products are kept for sale or with intent to
17 sell in violation of this division.

18 Sec. _____. Section 453A.15, subsection 4, Code 2014,
19 is amended to read as follows:

20 4. Every permit holder or other person shall, when
21 requested by the department, make additional reports as
22 the department deems necessary and proper and shall at
23 the request of the department furnish full and complete
24 information pertaining to any transaction of the permit
25 holder or other person involving the purchase or sale
26 or use of cigarettes, alternative nicotine products, or
27 vapor products, tobacco, or the purchase of cigarette
28 stamps.>

29 9. Page 4, by striking lines 7 and 8 and inserting:
30 <Sec. _____. Section 453A.36, subsections 6, 7, and
31 11, Code 2014, are amended to read as follows:

32 6. Any sales of ~~cigarettes or tobacco,~~ tobacco
33 products, alternative nicotine products, vapor products
34 or cigarettes made through a cigarette vending machine
35 are subject to rules and penalties relative to retail
36 sales of ~~cigarettes and tobacco,~~ tobacco products,
37 alternative nicotine products, vapor products and
38 cigarettes provided for in this chapter. Cigarettes
39 shall not be sold through any cigarette vending machine
40 unless the cigarettes have been properly stamped or
41 metered as provided by this division, and in case
42 of violation of this provision, the permit of the
43 dealer authorizing retail sales of cigarettes shall
44 be revoked. Payment of the permit fee as provided in
45 section 453A.13 authorizes a cigarette vendor to sell
46 ~~cigarettes or tobacco,~~ tobacco products, alternative
47 nicotine products, vapor products and cigarettes
48 through vending machines. However, ~~cigarettes or~~
49 tobacco, tobacco products, alternative nicotine
50 products, vapor products and cigarettes shall not

1 be sold through a vending machine unless the vending
2 machine is located in a place where the retailer
3 ensures that no person younger than eighteen years
4 of age is present or permitted to enter at any time.
5 ~~Cigarettes or Tobacco~~, tobacco products, alternative
6 nicotine products, vapor products and cigarettes shall
7 not be sold through any cigarette vending machine if
8 such products are placed together with any nontobacco
9 product, other than matches, in the cigarette vending
10 machine. This section does not require a retail permit
11 holder to buy a cigarette vendor's permit if the retail
12 permit holder is in fact the owner of the cigarette
13 vending machines and the machines are operated in the
14 location described in the retail permit.>

15 10. Page 4, line 11, by striking <permit, as
16 applicable,> and inserting <permit>

17 11. Page 4, after line 18 by inserting:

18 <11. Violation of this section by the holder
19 of a retailer's, distributor's, wholesaler's or
20 manufacturer's permit shall be grounds for the
21 revocation of such permit.>

22 12. Page 5, by striking lines 29 and 30 and
23 inserting:

24 <Sec. _____. Section 453A.42, subsections 1, 2, 8, 9,
25 10, 11, 13, and 16, Code 2014, are amended to read as
26 follows:

27 1. "Business" means any trade, occupation,
28 activity, or enterprise engaged in for the purpose of
29 selling or distributing tobacco, tobacco products,
30 alternative nicotine products, or vapor products in
31 this state.

32 2. "Consumer" means any person who has title to or
33 possession of tobacco, tobacco products, alternative
34 nicotine products, or vapor products in storage, for
35 use or other consumption in this state.

36 8. "Place of business" means any place where
37 tobacco, tobacco products, alternative nicotine
38 products, or vapor products are sold or where tobacco,
39 tobacco products, alternative nicotine products, or
40 vapor products are manufactured, stored, or kept for
41 the purpose of sale or consumption, including any
42 vessel, vehicle, airplane, train, or vending machine.

43 9. "Retail outlet" means each place of business
44 from which tobacco, tobacco products, alternative
45 nicotine products, or vapor products are sold to
46 consumers.>

47 13. Page 5, after line 33 by inserting:

48 <11. "Sale" means any transfer, exchange, or
49 barter, in any manner or by any means whatsoever, for a
50 consideration, and includes and means all sales made

1 by any person. It includes a gift by a person engaged
2 in the business of selling tobacco, tobacco products,
3 alternative nicotine products, or vapor products, for
4 advertising, as a means of evading the provisions of
5 this division, or for any other purposes whatsoever.

6 13. "Storage" means any keeping or retention
7 of tobacco, tobacco products, alternative nicotine
8 products, or vapor products for use or consumption in
9 this state.

10 16. "Use" means the exercise of any right or
11 power incidental to the ownership of tobacco, tobacco
12 products, alternative nicotine products, or vapor
13 products.

14 Sec. _____. Section 453A.45, subsection 3, Code 2014,
15 is amended to read as follows:

16 3. Every retailer and subjobber shall procure
17 itemized invoices of all tobacco, tobacco products,
18 alternative nicotine products, and vapor products
19 purchased. The invoices shall show the name and
20 address of the seller and the date of purchase. The
21 retailer and subjobber shall preserve a legible copy
22 of each invoice for three years from the date of
23 purchase. Invoices shall be available for inspection
24 by the director or the director's authorized agents or
25 employees at the retailer's or subjobber's place of
26 business.

27 Sec. _____. Section 453A.47A, subsections 1, 2, 4, 5,
28 and 10, Code 2014, are amended to read as follows:

29 1. Permits required. A person shall not engage
30 in the business of a retailer of tobacco, tobacco
31 products, alternative nicotine products, or vapor
32 products at any place of business without first having
33 received a permit as a ~~tobacco products~~ retailer.

34 2. No sales without permit. A retailer shall
35 not sell any tobacco, tobacco products, alternative
36 nicotine products, or vapor products, until an
37 application has been filed and the fee prescribed paid
38 for a permit and until such permit is obtained and
39 only while such permit is not suspended, unrevoked, or
40 unexpired.

41 4. Retailer ---- cigarettes and tobacco, tobacco
42 products, alternative nicotine products, and vapor
43 products. A retailer, as defined in section 453A.1,
44 who holds a permit under division I of this chapter
45 is not required to also obtain a retail permit under
46 this division. However, if a retailer, as defined in
47 section 453A.1, only holds a permit under division I
48 of this chapter and that permit is suspended, revoked,
49 or expired, the retailer shall not sell any ~~cigarettes~~
50 ~~or~~ tobacco, tobacco products, alternative nicotine

1 products, or vapor products, during the time which the
2 permit is suspended, revoked, or expired.

3 5. Separate permit. A separate retail permit
4 shall be required of a distributor or subjobber if
5 the distributor or subjobber sells tobacco, tobacco
6 products, alternative nicotine products, or vapor
7 products at retail.

8 10. Records and reports of retailers.

9 a. The director shall prescribe the forms necessary
10 for the efficient administration of this section
11 and may require uniform books and records to be used
12 and kept by each retailer or other person as deemed
13 necessary.

14 b. Every retailer shall, when requested by the
15 department, make additional reports as the department
16 deems necessary and proper and shall at the request of
17 the department furnish full and complete information
18 pertaining to any transaction of the retailer involving
19 the purchase or sale or use of tobacco, tobacco
20 products, alternative nicotine products, or vapor
21 products.>

22 14. By renumbering as necessary.

By MEYER of Polk	KEARNS of Lee
T. OLSON of Linn	KELLEY of Jasper
ABDUL-SAMAD of Polk	LENSING of Johnson
BERRY of Black Hawk	MASCHER of Johnson
GAINES of Polk	H. MILLER of Webster
GASKILL of Wapello	OLDSON of Polk
HALL of Woodbury	RUFF of Clayton
HANSON of Jefferson	STAED of Linn
HEDDENS of Story	STECKMAN of Cerro Gordo
JACOBY of Johnson	