

Senate File 2023 - Introduced

SENATE FILE 2023

BY DAWSON

(COMPANION TO HF 496 BY
COMMITTEE ON STATE GOVERNMENT)

A BILL FOR

1 An Act relating to inspections for violations relating
2 to retailers of cigarettes, tobacco, tobacco products,
3 alternative nicotine products, and vapor products that
4 provide for use or consumption of regulated products on the
5 retailer's premises.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 453A.13A Inspections of violations
2 of retailers — use or consumption of products on premises.

3 As a condition for issuance of a permit to, and the continued
4 holding of a valid permit by, a retailer, as defined in
5 sections 453A.1 and 453A.42, of products regulated under this
6 chapter that are used or consumed on the retailer's premises,
7 the applicant or holder must give consent to police, the
8 county sheriff or deputy sheriff, members of the department
9 of public safety, and certified peace officers to enter upon
10 areas of the premises where such products are stored, sold,
11 used, or consumed without a warrant during business hours
12 of the retailer to inspect for violations of this chapter
13 or ordinances and regulations that cities and boards of
14 supervisors may adopt. However, a warrant is required for
15 inspection of private records, a private business office, or
16 attached living quarters. Persons who are not certified peace
17 officers shall limit the scope of their inspections of licensed
18 premises to the regulatory authority under which the inspection
19 is conducted. All persons who enter upon a permitted
20 premises to conduct an inspection shall present appropriate
21 identification to the retailer or an employee of the retailer
22 who appears to be in charge of the premises prior to commencing
23 an inspection; however, this provision does not apply to
24 undercover criminal investigations conducted by peace officers.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill provides for the inspection of the premises of
29 a retailer of products regulated under Code chapter 453A
30 (cigarette and tobacco taxes and regulation of alternative
31 nicotine products and vapor products), if the regulated
32 products are used or consumed on the premises.

33 As a condition for issuance of a permit to, and the continued
34 holding of a valid permit by, a retailer of the regulated
35 products that are used or consumed on the retailer's premises,

1 the permit applicant or holder must give consent to police, the
2 county sheriff or deputy sheriff, members of the department of
3 public safety, and certified peace officers to enter upon areas
4 of the premises where such products are stored, sold, used, or
5 consumed without a warrant during business hours to inspect for
6 violations of the Code chapter or ordinances and regulations
7 that cities and boards of supervisors may adopt. However,
8 a warrant is required for inspection of private records, a
9 private business office, or attached living quarters; persons
10 who are not certified peace officers must limit the scope of
11 their inspections to the regulatory authority under which the
12 inspection is conducted; and those conducting an inspection
13 must present appropriate identification prior to commencing
14 an inspection unless the inspection is an undercover criminal
15 investigation conducted by peace officers.