

FEDERAL AND STATE TELEMARKETING REQUIREMENTS APPLICABLE TO BUSINESS-TO-BUSINESS CALLS

	DNC List <sup>1</sup>	Registration Requirements	Caller ID Restrictions	Immediate Disconnect (No Rebuttal/Permission to Continue)	Ban or Restriction on Delivery of Recorded Messages	Disclosure Requirements	Fax	Abandonment
<b>Federal</b>								
TSR <sup>2</sup>		N/A		N/A				
TCPA	* May apply to home based businesses only.	N/A	X	N/A		X	X	X
<b>State</b>								
Alabama				N/A	N/A		N/A	N/A
Alaska		X	N/A	X	X		N/A	N/A
Arizona		X <sup>3</sup>	X	N/A	X	X <sup>2</sup>		N/A

<sup>1</sup> This column only applies to the federal and state “do-not-call” lists issued by federal and state agencies, and not internal “do-not-call” lists.

<sup>2</sup> Telephone calls between a telemarketer and any business, *except calls to induce the retail sale of nondurable office or cleaning supplies*, are exempt from the TSR; however, that § 310.4(b)(1)(iii)(B) [DNC List] and § 310.5 [recordkeeping requirements] of this Rule shall *not* apply to sellers or telemarketers of nondurable office or cleaning supplies. 16 C.F.R. § 310.6(7) [emphasis added].

<sup>3</sup> A person or solicitor for a person soliciting another business is exempt if all of the following occur:

- a. At least 50 % of the person's dollar volume consists of repeat sales to existing businesses.
- b. The person does not conduct a prize promotion that requires or implies that to win a consumer must pay money or purchase merchandise.

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Arkansas		X*	X		X			N/A
California		X*	X	N/A	X			X
Colorado	X <sup>4</sup>	X A person is exempt if “soliciting business solely from business purchasers who have previously purchased identical or similar goods or services from the business enterprise on whose behalf the person is calling.”  Colo. Stat. § 6-1-302(1)(t).		N/A	X	X A person is exempt if “soliciting business solely from business purchasers who have previously purchased identical or similar goods or services from the business enterprise on whose behalf the person is calling”.  Colo. Stat. § 6-1-302(1)(t).		N/A

c. Neither the person nor any of the person's principals has within 20 years been convicted in any state of a felony or crime of moral turpitude, breach of trust, fraud, theft, dishonesty or violation of telephone solicitation laws, been subject to a final judgment in a civil action involving fraud, deceit or misrepresentation or been subject to an administrative order involving fraud, deceit, misrepresentation or any violation of telephone solicitations laws of any agency of this state, another state, the federal government, a territory of the United States or another country.  
Ariz. Stat. § 44-1273(A)(6).

<sup>4</sup> The Colorado Supreme Court has held that the state “do-not-call” list applies to calls to home-based businesses. Numbers which are used for both residential and business purposes are included on the “do-not-call” list. See *Holcomb v. Jan-Pro Cleaning Sys. of S. Colo.*, 172 P.3d 888 (Colo. 2007).  
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Connecticut		N/A		N/A	X	N/A		N/A
Delaware	N/A		N/A	N/A	N/A		N/A	N/A
DC	N/A	X	N/A	N/A		X	N/A	N/A
Florida		X <sup>5</sup>	X <sup>4</sup>	N/A		X <sup>4</sup>		N/A
Georgia		N/A		N/A		N/A		N/A
Hawaii	N/A	N/A		N/A	N/A	X	N/A	N/A
Idaho		X		X	Calls allowed but state behavioral restrictions apply.	X		N/A
Illinois		N/A	X		X	X		N/A
Indiana		X*	X	N/A	X		N/A	N/A

<sup>5</sup> Business-to-business sales are exempt where:

a. The commercial telephone seller has been operating continuously for at least 3 years under the same business name and has at least 50 percent of its dollar volume consisting of repeat sales to existing businesses;

b. The purchaser business intends to resell or offer for purposes of advertisement or as a promotional item the property or goods purchased; or

c. The purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing, or manufacturing process.

Fla. Stat. § 501.604(10)

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Iowa	N/A	N/A	N/A	N/A	Calls allowed but behavioral restrictions apply.	N/A	N/A	N/A
Kansas <sup>6</sup>		N/A			N/A			
Kentucky					X			N/A
Louisiana		X*		N/A				N/A
Maine		X	X	N/A	Calls allowed but behavioral restrictions apply.			N/A
Maryland	N/A	N/A	N/A	N/A	X	X		N/A
Massachusetts		N/A	N/A	N/A	Calls allowed but behavioral restrictions apply.			N/A
Michigan		N/A	X	N/A	X <sup>7</sup>			N/A
Minnesota		N/A		N/A	X			N/A

<sup>6</sup> Under Kansas law, “consumer” is defined as “an individual, husband and wife, sole proprietor, or family partnership who seeks or acquires property or services for personal, family, household, business or agricultural purposes.” KS Code 50-624(b). I.e. family farms are included within this definition.

<sup>7</sup> This ban only applies to “an individual who has subscribed to residential, business, or toll-free telephone service from a telephone company regulated by this state, and all other persons with the same legal residence as the subscribing individual.” Mich. Stat. § 484.125(1)(d).

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Mississippi					X		N/A	N/A
Missouri		N/A		N/A		X <sup>8</sup>	N/A	N/A
Montana			X	N/A	X	X		N/A
Nebraska	N/A	N/A	N/A	N/A	X			N/A
Nevada		N/A	X	N/A	X	X		N/A
New Hampshire		N/A		N/A		X	N/A	N/A
New Jersey				N/A	X <sup>9</sup>			N/A
New Mexico		N/A		N/A	X			N/A
New York				N/A	Calls allowed but behavioral restrictions apply.	X		N/A
North Carolina		X <sup>10</sup>				X <sup>9</sup>		N/A
North Dakota		N/A		N/A			N/A	N/A

<sup>8</sup> “Telephone calls or messages between a telemarketer and any business except calls involving the retail sale of nondurable office and cleaning supplies” are exempt. Mo. Stat. § 407.1085(1)(4)(d).

<sup>9</sup> This statute only applies to intrastate calls, i.e. callers within the state of New Jersey calling New Jersey residents.

<sup>10</sup> Any person is exempt if “soliciting a purchase from a business, provided the person soliciting makes reasonable efforts to ensure that the person solicited has actual authority to bind the business to a purchase agreement.” N.C. Stat. § 66-260(11)(m).

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Ohio		X <sup>11</sup>	X <sup>10</sup>	N/A	N/A	X <sup>10</sup>		N/A
Oklahoma		X <sup>12</sup>	X <sup>11</sup>	N/A	X	X <sup>11</sup>		X
Oregon		X*	N/A	X				N/A
Pennsylvania		X <sup>13</sup>			Calls allowed but behavioral restrictions apply.	X <sup>12</sup>		N/A

<sup>11</sup> A person soliciting a business-to-business sale is exempt if “any of the following conditions are met:

a. The telephone solicitor has been operating continuously for at least three years under the same business name under which it solicits purchasers, and at least fifty-one per cent of its gross dollar volume of sales consists of repeat sales to existing customers to whom it has made sales under the same business name.

b. The purchaser business intends to resell the goods purchased.

c. The purchaser business intends to use the goods or services purchased in a recycling, reuse, manufacturing, or remanufacturing process.

d. The telephone solicitor is a publisher of a periodical or of magazines distributed as controlled circulation publications as defined in division (CC) of section 5739.01 of the Ohio Revised Code and is soliciting sales of advertising, subscriptions, reprints, lists, information databases, conference participation or sponsorships, trade shows or media products related to the periodical or magazine, or other publishing services provided by the controlled circulation publication.

Ohio Code § 4719.01(A)(12).

<sup>12</sup> A person is exempt if “soliciting business solely from business purchasers who have previously purchased identical or similar goods or services from the business enterprise on whose behalf the person is calling”. 15 Okla. Stat. § 775A.2(1)(r).

<sup>13</sup> A person or business is exempt if it is “conducting a business-to-business sale where the selling business has been operating continuously for at least 3 years under the same business name and has at least 50% of its dollar volume consisting of repeat sales to existing businesses.” 73 P.S. § 2242 (4).

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Rhode Island	N/A	X*	N/A	N/A	X*			N/A
South Carolina	N/A	N/A	N/A	N/A				N/A
South Dakota			N/A				N/A	N/A
Tennessee		N/A		N/A				N/A
Texas		X <sup>14</sup>		N/A	Calls allowed, behavioral restrictions apply and license required.	X <sup>13</sup>	X	N/A
Utah		X	X	X	X	X		N/A
Vermont		X	N/A	N/A	NA		N/A	N/A
Virginia	N/A	N/A		N/A	X			N/A
Washington	N/A	X <sup>15</sup>	N/A	X <sup>14</sup>	X	X <sup>14</sup>		N/A

<sup>14</sup> Calls are exempt when “the purchaser is a business that intends to:  
a. resell the item purchased; or  
b. use the item purchased in a recycling, reuse, remanufacturing, or manufacturing process.  
Tex. Bus. & Com. Code § 302.056.

<sup>15</sup> A business-to-business sale is exempt “where:  
a. The purchaser business intends to resell the property or goods purchased, or  
b. The purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing or manufacturing process.

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West Virginia	N/A		N/A					N/A
Wisconsin		N/A	X <sup>16</sup>		X			N/A
Wyoming					X			N/A
								N/A

\*Requirement only applies in these states if certain prize representations are made by the caller.

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Wash. Code §19.158.020(3)(s).

Business-to-business sales are also exempt where: "A person soliciting the sale of agricultural products, as defined in RCW 20.01.010 where the purchaser is a business." Id. at (p).

<sup>16</sup> A telephone call is exempt if "made to a number listed in the current local business telephone directory." Wisc. ATCP Admin. Code § 127.80(10)(e).  
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