

# Prevent the Sale!

Newsletter for Idaho Tobacco Retailers

## Newsletter for Idaho Tobacco Retailers Sponsored by Idaho Department of Health & Welfare

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DHW Tobacco Project Website: <http://www.healthandwelfare.idaho.gov/>

Idaho Tobacco Project page can be found by selecting the "Medical" menu and then "Idaho Tobacco Permits"

Phone: 208-334-6542

### Idaho Wants Regulations on Tobacco Warning Labels

By Cheryl Reed

#### Facts and Stats

"A" Average for  
JANUARY THRU  
DECEMBER 2011

According to Idaho Code 39-5701, the Idaho Department of Health and Welfare must inspect each business that sells tobacco to ensure that it does not sell tobacco to minors. In the year 2011:

- 1841 Vendors were inspected.\*
- 115 Vendors sold to the inspecting minor.
- The compliance rate for the month was 93.75%

\*Inspections where purchase attempts were made.

#### Prevent the Sale Website

<http://www.preventthesale.com/Idaho>

- Learn about the law
- Take the tobacco quiz
- See what the ID's look like
- Play the Game "Would You Sell to This Person?"

#### Idaho Supports Regulation of Warning Labels

By Kim Fields  
KTVB.com

Idaho is one of 24 states supporting the Food and Drug Administration's effort to regulate new warning labels for cigarettes.

The FDA announced in June that tobacco companies would be required to include the new labels on all cigarette packs beginning in September 2012. The labels include graphic images of rotting teeth and gums, diseased lungs, and a sewn-up corpse of a smoker.

There are nine images in all, and tobacco companies would be required to run them on a rotating basis, even in their ads. Also, the labels would cover the entire top half of all cigarette packs.

Major tobacco companies challenged the rules, and last month U.S. District Judge Richard Leon ruled in their favor. The ruling blocked the new warning labels while courts decide whether or not they violate the First Amendment rights of cigarette companies, which could take years.

The FDA is now challenging the lower court ruling.

On December 23, the Idaho Attorney General's office filed a friend of the court brief in support of the FDA's appeal, saying the federal government should be allowed to require the labels for the "lethal and addictive" products.

Twenty-three other states were included in the brief. Idaho has not entered into any lawsuit against tobacco companies. A friend of the court brief is a way for the states to weigh in on the court's decision because they believe it may affect their interests.

#### It May Soon be a Felony in Idaho

A key state Senate committee voted unanimously Wednesday to introduce legislation that would make it a felony to smuggle cellphones and cigarettes into Idaho prisons after authorities said such contraband demands huge prices on the black market.

According to the department, a can of chewing tobacco that would cost about a dollar at a store goes for as much as \$20 inside Idaho's medium- and minimum-security prisons. Inside a maximum-security prison, the same can commands a price of about \$40. Inmates pay between \$5 and \$10 for one cigarette.

The high prices can mean major debt for inmates who use. Department officials told the committee that families of inmates are sometimes forced to pay the debts to keep their loved ones from being beaten.

Under current Idaho law, bringing contraband into a prison is generally considered a misdemeanor, punishable by no more than 6 months in jail or a fine of less than \$1,000.

#### Where Minors Find Tobacco

Studies show that minors who do not begin smoking before the age of 20 are less likely to pick up a tobacco habit later in life. Minors are impressionable, and many start smoking heavily before the age of 18. To prevent minors from developing harmful habits, the nationwide legal smoking age is 18.

However, despite the laws designed to keep minors from smoking, they still manage to attain cigarettes and other tobacco products from older friends, relatives, or tobacco vendors.

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## Where minors Cont.

The federal law states that if anyone is caught selling or otherwise providing cigarettes to minors, the provider can be charged with a misdemeanor, with penalties ranging from a fine to up to three months in jail.

Article Source: <http://EzineArticles.com/3386691>

## The Synar Amendment

In July 1992, Congress enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act (P.L. 102-321), which includes an amendment (section 1926) aimed at decreasing youth access to tobacco. This amendment, named for its sponsor, Congressman Mike Synar of Oklahoma, requires States to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18.

The Synar program is the set of actions put in place by States, with the support of the Federal Government, to implement the requirements of the Synar Amendment. The Amendment was developed in the context of a growing body of evidence about the health problems related to tobacco use by youth, as well as evidence about the ease with which youth could purchase tobacco products through retail sources. The Synar program is a critical component of the success of youth tobacco use prevention efforts.

## Synar Cont.

States have made considerable progress in attaining the goals of the Synar legislation.

In addition to the consistent decline in the national weighted average retailer violation rate, States have implemented a variety of interrelated policies and programs designed to limit youth access to tobacco products through retail sources. One component of the State's response has been legislative action. In addition to legislation banning sales to persons under age 18, States have also enacted a variety of additional legislation, which supports a reduction in youth access to tobacco products. This includes legislation that:

- Restricts tobacco vending machines;
- Requires "age of sale" signs;
- Creates a graduated system of civil or criminal penalties for outlet owners and/or clerks;
- Requires state-wide merchant education;
- Specifies state enforcement authority;
- Requires random, unannounced inspections;
- Requires licensure of tobacco retailers;
- Allows minors under the age of 18 to conduct compliance checks; and
- Provides immunity to youth who conduct compliance checks.

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