

Prevent the Sale!

Newsletter for Idaho Tobacco Retailers

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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

Watch Your Mail! Tobacco Resources Coming Soon

By Cheryl Reed

Facts and Stats

"A" Average for FEBRUARY

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 February, 2012:

- 172 Vendors were inspected.*
- 10 Vendors sold to the inspecting minor.
- The compliance rate for the month was 94.19%

*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?"

Watch Your Mail!

Tobacco retailer resources are coming soon to your outlets – so watch your mail for these helpful guides.

In the next week or two expect to receive a mailer from the Idaho Department of Health and Welfare that outlines both the State of Idaho and the Food and Drug Administration (FDA) Center for Tobacco Products laws and requirements each tobacco retailer must meet. It will be a valuable resource as you navigate the changing laws and requirements at **BOTH** the state and federal level.

In addition, the FDA will be sending out the recently updated *Break the Chain of Tobacco Addiction Retailer Education Campaign* mailer. This mailer is now available in a downloadable PDF format in both English and Spanish on the FDA website:

<http://www.fda.gov/tobaccomaterials>.

E-Cigarettes on Trial

Lawmakers in the Idaho House introduced legislation to ban the sale of electronic cigarettes to minors.

The so-called e-cigarettes allow the user to heat nicotine, herbs or other substances and ingest the active ingredients without actually burning the substance.

Help for Smoking Cessation and Substance Abuse

Idaho State lawmakers want to use \$5.7 million from a nationwide tobacco settlement for smoking cessation programs and substance abuse treatment.

Idaho currently gets money annually from the 1998 settlement with the nation's five largest tobacco companies. The money goes into an account called the "Millennium Fund," and lawmakers allocate 5% each year to spend on smoking prevention and related health programs.

The committee that shepherds the fund voted 8-2 in February to recommend spending on a dozen programs, with the largest payment at \$2 million going to the state Department of Health and Welfare.

Physical Barriers

Remember that cigarettes products must be displayed behind a counter where customers don't have direct access to them. A physical barrier must exist between the customer and the tobacco products.

Customers are not allowed to handle unpurchased tobacco products; in other words, the clerk cannot hand unpurchased cigarettes to a customer and have the customer carry them to a different cashier to pay.

Ready for the Dreaded Compliance Check?

Idaho law requires that at least one random compliance check take place per vendor per year in the state of Idaho plus additional checks based on the non-compliance rate for the previous year. The total number of inspections that the law requires is equal to the number of permitted businesses multiplied by the percentage of the previous years' violations multiplied by ten. Sound complicated?

Compliance Check Continued...

All you need to remember is that each vendor should expect to be inspected at least twice a year by Idaho's inspection teams no sooner than 30 days apart. If the business fails the inspection, the clerk is cited on the spot and the vendor notified by mail of the violation. If the clerk refuses to sell tobacco to the minor, the minor leaves the establishment without further incident.

Remember that the violation takes place at the point of sale. In other words, the business will fail the inspection at the moment the tobacco is sold to the minor. The clerk or vendor is not allowed to try and retrieve the tobacco, confiscate the minor's ID, or detain the minor in any way. After the minor has left the establishment, the inspector will identify himself/herself and issue the citation.

Commit yourself to preventing the sale of tobacco to minors, and the compliance checks won't be an issue. Fewer non-compliance violations will reduce the number of compliance checks next year. But most importantly, it will reduce the number of Idaho kids who have access to tobacco.

Fight Against Increased Cigarette Tax

The D.C. conservative outfit Citizens Against Government Waste is wading into Idaho's cigarette tax debate, telling the Legislature it should reject a proposal to raise the tax by \$1.25.

Citizens Against Government Waste is best known for crusading against Congressional political pork, but its lobbying arm has taken on tobacco issues nationwide while at the same time collecting at least \$245,000 from tobacco companies, according to a St. Petersburg Times report.

The lobbying arm of the group announced today that it has sent a letter to the Idaho Legislature on the issue.

"Raising cigarette taxes, especially during a weak economy, will slow business and negatively impact state retailers ... The Congressional Budget Office has reported that cigarette excise taxes are the most regressive type of excise tax and disproportionately impact the poor and those living on fixed incomes," the letter says.

The cigarette tax increase proposed by House Revenue and Taxation Committee Chairman Dennis Lake was rejected in the 2011 legislative session, but Lake is trying again.

The Idaho director of government relations for the American Cancer Society Cancer Action Network earlier this month touted a study by a coalition of public health groups saying higher cigarette taxes don't reduce the number of convenience stores, will raise money for Idaho, and will cut down on smoking.

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What's Inside?

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PLEASE DISTRIBUTE TO EMPLOYEES