

# Prevent the Sale!

Newsletter for Idaho Tobacco Retailers

## Newsletter for Idaho Tobacco Retailers

Sponsored by Idaho Department of Health & Welfare

VOLUME 11, NUMBER 5

MAY 2012

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

## We're Making Progress

By Cheryl Reed

### Facts and Stats

#### "A" Average for APRIL

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 APRIL, 2012:

- 161 Vendors were inspected.\*
- 9 Vendors sold to the inspecting minor.
- The compliance rate for the month was 94.41?

\*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?"

### Tobacco Internet Purchases

It is not illegal to purchase tobacco products online. When you buy tobacco products other than cigarettes online, over the phone, or from mail order catalogs, you are not charged Idaho tax. In these cases, you owe both use tax and tobacco tax, according to Idaho's Attorney General. Cigarettes bought online, over the phone, or from catalogs usually do not have Idaho tax stamps on the bottom of the packages. The penalty for having, buying, or using more than 10 packs of unstamped cigarettes is three times the cigarette tax due for each full or partial pack. The minimum penalty is \$50. You can call the Idaho State Tax Commission if you have questions about tobacco tax: 208-334-7660.

Tobacco Retailers who sell tobacco over the internet, through phone orders, or from mail order must have an Idaho tobacco permit to sell tobacco in Idaho.

### What Does the Tobacco Master Settlement Agreement Say?

The agreement relates only to cigarettes and roll-your-own tobacco—but there is a separate Smokeless Tobacco Master Settlement Agreement that applies to manufacturers of smokeless tobacco products. Here are the highlights of what the agreement covers:

- Prohibits youth targeting
- Bans cartoon characters in advertising
- Restricts sponsorships by brand names
- Bans outdoor advertising
- Bans placement of tobacco products
- Bans sale of merchandise with tobacco products
- Bans youth access to free samples
- Bans gifts to underage persons based on proof of purchase
- Bans non-tobacco brand names
- Stops misrepresentations concerning

To find out more details, visit [ag.idaho.gov/tobacco/tobaccoFAQs.html](http://ag.idaho.gov/tobacco/tobaccoFAQs.html)

### Tobacco and Baseball

As the new baseball season gets underway, our public health organizations call on Major League Baseball and the players' union to rigorously enforce the limits on smokeless tobacco use that are in the new contracts. These restrictions provide an historic opportunity for players to improve their health and become better role models for millions of young fans.

Under a new agreement announced in November, big-league players, managers, and coaches will no longer be able to carry a tobacco tin or package in their uniforms any time that fans are in the ballpark. They will be prohibited from using smokeless tobacco during televised interviews, at autograph signings and other events where they meet fans or at team-sponsored appearances.

### Tobacco Companies Pay Well

Pay packages for chief executives of the top three U.S. tobacco companies last year exceeded the amount of money being spent on tobacco prevention programs in all but three states. Salaries ranged from \$8.5 to \$13 million per year.

### FDA Ends Deception

In March of this year, the U.S. Food and Drug Administration took action to prevent the tobacco industry's repeated deception about the health risks of its products. For the first time ever, policies are in place that protect public health over promoting the tobacco industry's products and profits. The message: If you want to make health claims about your products, they must be supported by science, they have to benefit public health, and they must be marketed in a way that does not increase youth tobacco use or discourage quitting.

---

## Mayor Bloomberg's Pledge

New York City Mayor and philanthropist has pledged \$600 million to the global fight against tobacco use. He made his announcement at the 15<sup>th</sup> World Conference on Tobacco or Health in Singapore, where public leaders from around the world gather to intensify their efforts against tobacco use.

## Idaho Synar Report

States are required to provide detailed information each year on the progress made in enforcing youth tobacco access laws. The data is used by the Secretary of the State to evaluate state compliance and assist states in enforcing measures and strategies for youth tobacco prevention that are most effective.

If you're curious how Idaho is progressing, the 2011 report is available on our [preventthesale.com](http://preventthesale.com) website.

On that note, it's good to review Idaho's Code 57 on the prevention of minors' access to tobacco that is linked from our [preventthesale.com](http://preventthesale.com) website. Here, you will learn the details of the law, including local ordinances, vendor assisted sales, age verification requirements, shipping requirements, and more.

## Idaho Statute 39-5703: Prevention of Minors' Access to Tobacco

39-5705. SALE OR DISTRIBUTION OF TOBACCO PRODUCTS TO A MINOR.

(1) It shall be unlawful to sell, distribute or offer tobacco products to a minor.

(2) It shall be an affirmative defense that the seller of a tobacco product to a minor in violation of this section had requested, examined and reasonably relied upon a photographic identification from such person establishing that person's age as at least eighteen (18) years of age prior to selling such person a tobacco product.

The failure of a seller to request and examine photographic identification from a person under eighteen (18) years of age prior to the sale of a tobacco product to such person shall be construed against the seller and form a conclusive basis for the seller's violation of this section.

Can you pass a compliance check? In 2011, 402 citations were issued in Idaho and 266 files were assessed. Two permits or licenses were suspended. Be prepared: know the law.

**VOLUME 11, NUMBER 5  
MAY 2012**

**Contact us:** 208-334-6542

**ID 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"

---



### What's Inside?

- Tobacco Internet Purchases
- The Master Settlement Agreement
- Tobacco and Baseball
- Tobacco Companies Pay Well
- FDA Ends Deception
- Mayor Bloomberg's Pledge
- Synar Report
- Idaho Statutes

**PLEASE DISTRIBUTE TO EMPLOYEES**