



Contact us: 208-334-0642

ID Tobacco Project Website: healthandwelfare.idaho.gov

Select the "medical" menu and then "Idaho Tobacco Permits"

Facts and Stats

"A" average for May

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 May 2018:

- 216 Vendors were inspected. *
- 11 Vendors sold to the inspecting minor.
- The compliance rate for the month was 94.91%

*Non-minor Exempt Inspections where purchase attempts were made.

Prevent the Sale Website

A training resource provided to you by the Idaho Department of Health & Welfare.

Preventthesale.com/Idaho

Visit our website and get valuable retailer education and training support on all aspects of Idaho's Prevention of Minors' Access to Tobacco law!

What Happens When You Fail an Inspection?

By Cheryl Reed

Mobile App Age Calculator

Last year, the FDA released the Center for Tobacco Product's (CTP) first mobile application, the "FDA Age Calculator," to the Google Play and iTunes app stores for use by tobacco retailers. This smart phone application can calculate the date of birth from a driver's license and notify the retailer if the purchaser is under the age of 18.

FDA recently updated the app to allow for retailers to set the cut-off age to ages other than 18, such as 19 or 21, which will allow retailers in jurisdictions where the minimum age of sale is higher than 18 to still use the app.

The iTunes version can be found at: <https://itunes.apple.com/us/app/fda-age-calculator/id1128878035?mt=8>.

The Google Play store (Android) version can be found at: <https://play.google.com/store/apps/details?id=gov.fda.CTP.MAC1>

During compliance check inspections of tobacco retailers, FDA will continue to determine if retailers are complying with the federal minimum age of 18 years to purchase tobacco products.

Do you know Idaho Title 39, Chapter 57?

Answer True or False. Answers on Page 2.

1. A "minor" is a person under 21.
2. Tobacco is the number one killer in the state of Idaho.
3. Tobacco product is any substance that includes tobacco.
4. Vendor assisted sales are any sale in which the customer has no access to the product.
5. A minor who is assisting in the inspection according to Idaho law 39-5700, is not in violation of the law.
6. Tobacco permits are issued annually to retailers at no cost.
7. Tobacco permit holders are responsible to train employees about Idaho Law 39-5700
8. It is unlawful to sell or distribute electronic cigarettes from a vending machine.
9. Sometimes retailers can give away free samples of cigarettes for promotions.
10. All money collected from violations of the law are deposited into a fund to prevent minors' access to tobacco.

I Think I Had a Non-compliance Inspection! What Now?

Each year the Department of Health and Welfare conducts random, unannounced inspections of businesses that sell tobacco products to ensure compliance with Prevention of Minors' Access to Tobacco Products law. For inspections where a minor is used, the minor must carry a valid Idaho-issued identification with them and will always be truthful if asked questions. The inspecting minor is always accompanied by an adult inspector.

Following the compliance inspection, the business will receive a letter within two days letting them know about the outcome of the inspection. Many businesses do not know they have been inspected until they receive the letter. If tobacco is sold to a minor during an inspection, the seller (the employee who sold the tobacco) will personally receive a \$100 fine that must be paid within 10 days. The seller will be fined \$100 each time they make a sale to a minor.

Businesses are notified of each violation of the seller. Upon the employee's first violation, businesses are given a warning. If there is a second violation within two years, the business will be fined \$200 if they cannot provide documentation that the business trained the employee on the prohibition to sell tobacco to minors. Further violations can include a revocation of the Tobacco Permit and stiffer financial penalties for the business. Business must pay their fines in full before they can renew their permit annually.

Employees who have not received training on Idaho's Prevention of Minors' Access to Tobacco Products law should speak with their employer immediately! The outcomes of non-training can cost both employee and employer. You can access training at www.preventthesale.com/Idaho under "Resources" and download the training presentation. You can also review the helpful information throughout the Prevent The Sale website to familiarize yourself with all aspects of the law.

Selling tobacco to Idaho's youth hurts everyone. Avoid fines for yourself and your employer by being committed to protecting Idaho's youth. Be sure to follow the law and say, "No" each and every time a minor asks to purchase tobacco.

Answers to quiz on page 1: only numbers 1 and 9 are false. All the rest are true. Want to read more? Go to the Idaho Health and Welfare website and look under "Tobacco Retailer Resources."



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What's inside?

- A cool new phone app
- True or false?
- Your non-compliance inspection

PLEASE DISTRIBUTE TO EMPLOYEES