



Contact us: 208-334-0642

ID Tobacco Project Website: healthandwelfare.idaho.gov
Select the "medical" menu and then "Idaho Tobacco Permits"

Volume 19, Issue 11
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2020 FACTS AND STATS

What was the Compliance Grade after last month's state tobacco inspections?

Grade A
for
October 2020

According to Idaho Code 39-5701, the Idaho Department of Health and Welfare must inspect each Permitted Retailer that sells tobacco and electronic smoking devices to ensure that it does not sell these products to minors.

How well did these Permitted Retailers comply with the law in October 2020?

- 158 Permitted Retailers were inspected.*
- 3 Permitted Retailers sold to the inspecting minor.
- The compliance rate for October 2020 was

98.10%

WELL DONE!

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

Renew Your Idaho Tobacco Permit TODAY!

Renew your permits before December 31, 2020 to avoid penalties. It can be done online for free at TobaccoPermits.com:

Need help? Call our permitting team toll free at 877-641-4468, or you can submit a contact request online by selecting the "Contact Us" link on the TobaccoPermits.com homepage.

Self-Service and Vendor-Assisted Explained

What exactly is a "Self-Service" display?

According to Idaho Code 39-5706, no sales of tobacco products and electronic smoking devices can be from vending machines or self-service displays. So, what exactly does that mean and are there exceptions?

Self-service refers to *how* and *where* retailers display their tobacco products and electronic-smoking devices. A *psychological* barrier, like a line on the floor separating the products from the customer, is NOT enough. Instead, a *physical* barrier should be used to ensure all products are not self-service.

Many retailers place their tobacco and electronic smoking device products behind-the-counter where only employees have access. If space is limited behind-the-counter, some retailers have opted to place their products in locked cabinets or other secure locations. Regardless of what works best at your retail location, just remember the tobacco products and electronic smoking devices cannot be accessible to the customer prior to the completion of the sale. This also means all sales must be "Vendor-Assisted."

What exactly is a "Vendor-Assisted" sale?

Idaho Code 39-5706 also states that sales must be "Vendor-Assisted," but what exactly does that mean and are there exceptions?

Simply put, vendor-assisted sales are sales of tobacco products and electronic-smoking devices where the customer has not handled those products until after the sale is completed. Here is a scenario to test your knowledge, see how you do:

Scenario: A new type of electronic smoking device has come into the store. Your store manager places them in a new display basket that sits on the counter next to the cash register. A customer picks up the new product, looks at it and decides to add it to his stack of goods for purchase. The clerk rings up all the items, including the electronic smoking device, does not ask for ID, bags the products, and hands them to the customer who leaves the store. What is this transaction legal under Idaho law?

Nope! It sure was not. In fact, if this transaction had been done by a state inspection team, the business would be facing fines for three separate violations:

Violation 1: Sale to a Minor. While it is unknown if the customer in the scenario is underage, the clerk rang up the transaction and did not bother asking for ID. So, if the transaction had been done by a state inspection team, the purchaser would have been underage. It is always crucial to check ID!

Violation 2: Self-Service Violation. The customer was able to pick up the product from the display basket and handle the product prior to the sale. Meaning the product was not properly secured from the customer.

Violation 3: Non-Vendor Assisted Sale. The customer was able to assist in the sale by placing the product on the counter with the rest of his goods for the cashier to ring up prior to the sale.

So how did you do? Did you find all the problems with the scenario? Only by understanding the law can you be fully prepared for the day to day scenarios that may come up. Get a full copy of the [Idaho Code](#) to learn more.

Can my store be exempt from these Self-Service and Vendor-Assisted rules?

Yes! Stores with tobacco products or electronic smoking devices comprising of at least seventy-five percent (75%) of total merchandise are EXEMPT from requiring vendor-assisted sales and can have self-service displays on the floor. However, these stores cannot allow minors into their store, and must have appropriate age-restricted signs clearly posted on all entrance doors.



Need information on the Idaho tobacco law, training and point-of-sale resources, information about what IDs look like, a helpful quiz and game to practice when to refuse the sale of tobacco to a customer, and many other resources tailored to Idaho Tobacco Retailers? Check out our website designed just for Idaho Tobacco Retailers: Preventthesale.com/Idaho



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PLEASE DISTRIBUTE TO EMPLOYEES