



Contact us: 208-334-0642

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

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2021 FACTS AND STATS

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

Grade A
for
October 2021

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 2021?

- 215 Permitted Retailers were inspected.*
- 21 Permitted Retailers sold to the inspecting minor.
- The compliance rate for October 2021 was

90.23%
WELL DONE!

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

Knowledge Is Power! What Clerks Need to Know

Time Is Running Out to Renew Permits - Renew Today!

Renew your permits before December 31, 2021 to avoid penalties. It can be done online for free at TobaccoPermits.com.

Need help? We are happy to assist you with your permit renewal or any questions you may have. To reach us, call our permitting team at 208-892-0620 or toll free at 877-641-4468. Prefer to send an email? Submit a contact request online by selecting the "Contact Us" link on the TobaccoPermits.com homepage.

What Clerks Need to Know About the Compliance Inspection

Idaho Tobacco and Electronic Smoking Device Retailers should expect to be inspected by an Idaho State Inspection Team at least two times per year with each inspection being at least 30 days apart. In addition, remember that the FDA conducts its own series of inspections with its own inspection teams. The FDA inspections are completed separately from state compliance activities. Bottomline: Inspections happen routinely, and you should be ready at any time for one to occur.

During these state compliance inspections, an inspecting minor will attempt to purchase tobacco or electronic smoking device products from the retailer.

Are You Ready to "Refuse the Sale" to Any Underage Customer?

As your partner in the effort to keep tobacco and electronic smoking device products from underage customers, the Idaho Tobacco Project wants you to succeed. We want you to "refuse the sale" and avoid costly fines and possible disciplinary action from your employer. Together, we can make a difference in the lives of Idaho's youth! So, be ready to use your training and "refuse the sale" to any underage customer.

What Happens if You Pass the Inspection? What Does Passing Even Mean?

Passing an inspection means you successfully refused the sale to the minor who attempted to purchase tobacco or electronic smoking device products. Great job! The retailer owner will receive written notice by mail of the passed inspection, including the date and time of the inspection, with our congratulation for a job well done.

What Happens if You Fail the Inspection? What Does Failing Even Mean?

Retailers: Failing an inspection means a citation for violation of [Idaho Code 39-5700, et. seq.](#), is issued to the retailer via mail. Citations can be issued for not only the clerk selling tobacco or electronic smoking devices to the inspecting minor, but also for, self-service violations, non-vendor assisted sale violations, offering samples, or having open packages.

These types of citations can add up quickly and impact how much the retailer owes in fines and can lead to possible suspension or revocation of the Idaho Tobacco and Electronic Smoking Device Permit for that location. The citation cycle is 24 months (2 years). This means that violations will accumulate over a 24-month period after the first violation. After the 24-months is over, the violations accumulated return to zero. The violation schedule is explained in [Idaho Code 39-5708](#). Download the code and review this section to understand the financial and permitting penalties for violations under this code.

Clerks: Failing an inspection means you sold a tobacco or electronic smoking device product to the inspecting minor. This is a learning opportunity that sadly comes with consequences. You can expect to be fined immediately by the adult inspector who observed the violation. The fine is \$100 for each time you sell to an inspecting minor. It is the responsibility of the clerk, not the business to pay the fine.

This is a civil penalty fine not a criminal offense. Fines can be appealed or paid directly to the Idaho Tobacco Project according to the instructions on the back of your ticket. Appeals are not handled in court, but through an administration hearing typically over the telephone.

Be aware that in addition to a state issued civil fine, your employer may have their own disciplinary action. Make sure you understand your employers' rules and expectations. Some employers have a zero-tolerance policy and clerks can be terminated on the spot for selling to an inspecting minor. The Idaho Tobacco Project does not want this to happen to you, especially during the holiday season. We want you to succeed.

This compliance inspection process helps to ensure you and the retailer are trained and prepared to refuse the sale of tobacco and electronic smoking devices to any underage customer at any time. Given Idaho's positive compliance rates, we know most of you are already committed to "refusing the sale" to underage customers.

Thank you! We Appreciate Your Efforts!



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