



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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2022 **FACTS AND STATS**

**What was the
Compliance Grade for
March 2022?**

Grade **A**
for
March 2022

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 March 2022?

- 250 Permitted Retailers were inspected.*
- 10 Permitted Retailers sold to the inspecting minor.
- The compliance rate for March 2022 was

96.00%
GOOD JOB!

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

Idaho Increases the Legal Age to Purchase Tobacco and Electronic Smoking Devices to 21

It's been more than two years since the Tobacco 21 legislation was implemented by the federal Food and Drug Administration. This legislation, commonly known as "T21," made it illegal for any retailer to sell any tobacco product – including (but not limited to) cigarettes, cigars, and e-cigarettes – to anyone under 21. That federal law went into effect immediately after it was signed by the President on December 20, 2019.

Since that time, Idaho state law under Idaho Code 39-5701 et. seq. remained unchanged, continuing to make it illegal to sell tobacco products and electronic smoking devices to those under 18. This created a discrepancy in federal and state law and made it difficult for Idaho Tobacco Retailers to navigate which law to follow and how.

Some Idaho Tobacco Retailers diligently followed the federal T21 and refused the sale of tobacco and electronic smoking device products to those under 21, while others chose to keep with state law (selling to those over 18) and were willing to risk being in violation of federal law. It has been a difficult road to navigate, and the Idaho Tobacco Project (ITP) appreciates the efforts of its' retailers who struggled to uphold the law even when there was inconsistency between federal and state requirements. However, those inconsistencies have now been resolved.

On February 9, 2022, State Bill (SB) 1284 was introduced to the Idaho legislature. SB 1284 proposed to amend Idaho Code 39-5701 et. seq. to raise the age of legal possession and use of tobacco products and electronic smoking devices to 21, aligning both state and federal laws. After debate, SB 1284 was passed by both the Senate and House and on March 22, 2022 Governor Little signed SB 1284 into law.

What will this mean for Idaho Tobacco Retailers?

- SB 1284 will become law on **July 1, 2022**. This means it will be illegal to sell any tobacco products and electronic smoking devices to anyone under the age of 21. Selling tobacco to those under 21 will be a violation of the federal T21 law, as well as, Idaho Code 39-5701, et.seq.
- Idaho Tobacco Retailers should begin training their clerks and staff **now** to check state-issued IDs of any customer appearing under the age of 27 wishing to purchase tobacco or electronic smoking devices, if they aren't already doing so.
- Idaho Tobacco Retailers should also start consistently refusing the sale of tobacco products and electronic smoking devices to any customer under the age of 21, if they aren't already doing so. Doing this would keep Idaho Tobacco Retailers in compliance with federal T21 and ensure compliance with state law in anticipation of July 1, 2022.
- All postage signage must be updated to reflect the increase in legal purchase age to 21 by **July 1, 2022**. You do not have to purchase signage for your store. You can make your own signs if they follow the wording of Idaho Code 39-5704(6). Signage should state:
“State law prohibits the sale of tobacco products or electronic smoking devices to persons under the age of Twenty-one (21) years. Proof of age is required. Anyone who sells or distributes tobacco products or Electronic Smoking Devices to a person under the age of twenty-one (21) years is subject to strict fines and penalties. Persons under the age of twenty-one (21) years are subject to fines and penalties.”
- Beginning **July 1, 2022**, Idaho Tobacco Retailers may still hire minors under the age of 18. Those employees may not sell or distribute tobacco products or electronic smoking devices in the course of their employment; however, they may possess these products for such duties as stocking shelves or carrying purchases to customers' vehicles. Employees 18 to 20 may sell and distribute tobacco products or electronic smoking devices in the course and scope of their employment.

We will continue to provide additional information and reminders about the changes to Idaho Code 39-5701 et. seq. in the upcoming months. Please monitor these newsletters and distribute them to your employees to ensure all staff are informed of and acknowledge these upcoming changes in the law.

Prevent-The-Sale!

Visit the [Idaho Tobacco Project-Prevent The Sale](#) page to learn more and find additional resources.



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What's inside?

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- Idaho law increases legal age to purchase tobacco and e-products to 21
- Prevent The Sale Resources

PLEASE DISTRIBUTE TO EMPLOYEES