



Contact us: 208-334-0642

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

Volume 21, Issue 6
June 2022

2022 FACTS AND STATS

What was the
Compliance Grade for
May 2022?

Grade **A**
for
May 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 May 2022?

- 99 Permitted Retailers were inspected.*
- 5 Permitted Retailers sold to the inspecting minor.
- The compliance rate for April 2022 was

94.95%
GOOD JOB!

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

A Weekend of Changes: Being Ready for July 1, 2022

Beginning this Friday, July 1, Idaho's Code 39-5701 will increase the minimum legal age for smoking or vaping to 21. For a few months now, we have been providing information on how this will impact Idaho Tobacco and Electronic Smoking Device (ESD) Retailers. We encourage all Retailers to download these previous newsletters from Preventthesale.com's [Newsletter Archive](#) to be ready for this change.

NOW is the time to implement any modified employee training procedures and prepare your clerks to refuse the sale to any customer under 21.

Updated Documents and Resources

We have been working hard to provide updated retailer resources and downloadable documents for use by Idaho Tobacco and ESD Retailers.

A visit to Preventthesale.com's [Retailer Resources](#) page will provide you with the latest downloadable resources that include a:

- WARNING Poster - An updated printable poster for use at tobacco and ESD retail locations.
- Idaho Tobacco Requirements Document- A guidance document for Idaho Tobacco and ESD Retailers that outlines the restrictions and training requirements to stay in compliance with Idaho law.
- DHW Employee Training Form – An employee training form that may be used to ensure each clerk is aware of the current laws regarding youth access to tobacco and electronic smoking devices.
- Idaho FDA Crosswalk Help Document – A document to assist Retailers in understanding the similarities and differences between Idaho and federal law as it pertains to the sale of tobacco and electronic smoking devices to the public.

Take a minute to download each of these new documents so you have all the resources necessary to ensure compliance with the law.

Additional Resources Still to Come

While we have provided some resources for download on [Preventthesale.com](https://www.preventthesale.com), Idaho Tobacco and ESD Retailers should expect additional resources to become available on the site in the coming months.

Any additional Retailer resources will be posted to the [Retailer Resources](#) page as they become available.

In addition, the Idaho Code currently available for download at [Preventthesale.com](https://www.preventthesale.com) will not be updated until the new code goes into effect on July 1. The Idaho Legislature updates any modified statutes on July 1 including Idaho Code 39-5701, et. seq. You should anticipate being able to obtain a new version of Idaho Code 39-5701, et. seq. beginning Friday, July 1 from the [Idaho Legislature's webpage](#). We will have the new version of the code posted to [Preventthesale.com](https://www.preventthesale.com) for continued reference shortly after the new version of the code becomes available from the Idaho Legislature. Preventthesale.com will post the updated code, including a copy of the Administrative Rules that corresponds with this code in two places: On its [Know the Law](#) page and on the [Retailer Resources](#) page.

Keeping Watch on Possible Product Bans: Juul and the FDA

The news has been full of stories on the FDA's plan to ban Juul products from the marketplace. On Thursday, June 23, 2022 the FDA ordered Juul Labs to remove its vaping device and pods from US markets. The FDA's marketing denial orders also ordered Juul to stop the future sale and distribution of these products. This order would have required Idaho Tobacco and ESD Retailers to remove any existing Juul products from its store shelves once the order took effect.

However, this Monday, June 27, Juul filed a Motion to Stay the FDA's order and that motion was granted by the federal appeals courts. This stay order grants temporary freedom for Juul to keep its products on the market. On Tuesday, June 28, Juul argued in court that the FDA overlooked key data and mishandled its application before banning sales. The outcome of the case is still pending. Until a final decision is made by the courts, Idaho Tobacco and ESD Retailers can continue to legally sell these products until a ban order is reinstated.

Regardless of how this case plays out in the courts, we urge Idaho Tobacco and ESD Retailers to keep watch on this evolving news story and be ready to act according to the court's decisions on these products.

Prevent-The-Sale!

Visit the [Idaho Tobacco Project-Prevent The Sale](#) page to learn more and find additional resources. New Material is available for download!



Contact us: 208-334-0642

Volume 21, Issue 6
June 2022

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

What's inside?

- Facts and Stats
- Be Ready for July 1
- Updated Documents and Resources
- Additional Resources to Come
- Keep Watch on the FDA & Juul Case
- Prevent The Sale Resources

PLEASE DISTRIBUTE TO EMPLOYEES