



Contact us: 208-334-0642

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

Volume 21, Issue 8
August 2022

2022 FACTS AND STATS

What was the
Compliance Grade for
July 2022?

Grade **A**
for
July 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 July 2022?

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

91.67%
GREAT WORK!

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

Cities Repealing Tobacco Laws: What This Means for Retailers

This month, an article came out in the Idaho Statesmen that addressed Boise's repeal of tobacco ordinances entitled, "[Boise repeals tobacco ordinances at Tuesday's council meeting. Why?](#)"

The article detailed the city council's decision to "repeal" tobacco laws within the city. As tobacco retailers, you may be seeing similar articles in your local newspapers and wonder what these changes to city tobacco ordinances mean for your business.

While cities throughout Idaho may have different tobacco ordinances at the local level than Boise, it can be confusing to hear that tobacco laws are being repealed.

Should Idaho Tobacco and E-Device Retailers be concerned that some of their retail locations will have stricter rules than other locations? The simple answer is: No! The good news is that Idaho Tobacco and E-Device Retailers can focus on the requirements under [Idaho Code 39-5701, et.seq.](#) If they understand the state code requirements, then they have the tools they need to meet Idaho's tobacco and e-device.

With the passing of the updated legislation, state law also restricted local government from having "more restrictive" laws for the regulation, marketing, or sale of tobacco and e-device products than what the state law already requires. However, it should be noted that this does not preempt local units of government from continuing to regulate the **use** of tobacco and e-device products as per [Idaho Code 39-5713](#), or from exercising their authority to regulate land use or zoning.

Because of these legislative changes, Boise's city council chose to repeal its local level requirements.

The goal for Boise (and any other city who follows suit) in repealing its local tobacco ordinances, is to support uniformity of requirements for all Idaho Tobacco and E-Device Retailers. And now that more restrictive laws relating to the regulation, marketing, or sale of tobacco and e-device products are not allowed at the local level throughout the state, Retailers can focus on [Idaho Code 39-5701, et.seq.](#), to stay in compliance with state tobacco and e-device laws.

Is age-restrictive signage required?

The beginning of the [Idaho Statemen's article](#) makes a statement about the possibility of reduced age-restrictive signage that is a bit unclear. It says, "residents may not see signs posted about underage smoking outside tobacco shops." This statement isn't entirely accurate. Let's clarify:

Regarding signage, it's important to understand what type of Idaho Tobacco and E-Device Retailer you are. You are either a retailer who qualifies for the non-vendor assisted sale exception under [Idaho Code 39-5706 \(3\)](#), or you are not.

- To qualify for non-vendor assisted sale exemption (where a customer can choose a tobacco or e-device product themselves and walk that product to the counter for purchase without clerk assistance), the stores tobacco products or electronic smoking devices must comprise of at least seventy-five percent (75%) of all total merchandise. These retailers are **required** to clearly post age-restrictive signage at all entrance doors that prohibits access to those under 21.

What about all other Idaho Tobacco and E-Device Retailers? [Idaho Code 39-5704 \(6\)](#), says that permitted retailers **may** post signage at their retail location notifying customers that they must be over 21 to purchase tobacco and e-device products.

Of course, we encourage all retailers to post signage that supports the age-restriction laws and notifies customers of those laws, whether you are required to do so under Idaho Code 39-5706 (3) or not. Posting age-restrictive signage lets customers know that you are a retailer committed to complying with state laws, and that your clerks will check ID and refuse the sale of these products to all customers under 21. So, if you haven't posted age-restrictive signage at your tobacco product or e-device location, do so today!

Prevent-The-Sale!

Idaho Tobacco Retailers have two resources for Prevent-The-Sale content: Visit Idaho's Department of Health and Welfare's official [Idaho Tobacco Project-Prevent The Sale](#) webpage for information and resources. Visit Idaho Tobacco Projects interactive website [Preventthesale.com](#) for interactive and evolving content, including newsletter archives, information on IDs, and downloadable resources and documents. This site has new material available for download!



Contact us: 208-334-0642

Volume 21, Issue 8
August 2022

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

What's inside?

- Facts and Stats
- Cities Repealing Tobacco Laws
- Is Age-Restrictive Signage Required?
- Prevent The Sale Resources

PLEASE DISTRIBUTE TO EMPLOYEES