



Contact IDHW's Idaho Tobacco Project at: 877-641-4468
ID Tobacco Project Website: healthandwelfare.idaho.gov/providers
Select the topic "Retailers" then "Idaho Tobacco Project."

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2023 FACTS AND STATS

What was the Compliance Grade for 2022's state tobacco and electronic smoking device inspections?

Grade **A**
for
Calendar Year
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 2022?

- 1751 Permitted Retailers were inspected.*
- 64 Permitted Retailers sold to the inspecting minor.
- The compliance rate for calendar year 2022 was:

96.34%

GREAT WORK!

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

Committed Retailers Make a Difference!

Another year is behind us, and the Idaho Department of Health and Welfare (DHW) is grateful for the efforts made by Idaho retailers to prevent the sale of tobacco and electronic smoking devices to underage customers.

Look at the **FACTS AND STATS** section of this newsletter and you'll see that out of 1751 completed inspections in 2022 where a purchase attempt was made, only 3.66% of retailers sold tobacco products or electronic smoking devices to an underage inspector. **Idaho's tobacco and electronic smoking device retailers are making a difference and your level of commitment is to be commended.**

DHW looks forward to maintaining the positive partnership with its retailers going into 2023 and wants to ensure all retailers are ready to [Prevent the Sale of Tobacco and Electronic Smoking Devices](#) during this year's upcoming inspections. Understanding Idaho law will prepare you for success.

Key to Success #1: Understanding the Law

- [Idaho code 39-5710](#) requires yearly inspections of Idaho-based tobacco and electronic smoking device retailers. This state code requires each retailer to be inspected at least once per year with repeated inspections based upon the state violation rate.
- All inspections conducted throughout the year are required to be random and unannounced per [Idaho Code 39-5710](#). Therefore, always be prepared for an inspection. It could happen at any time.
- A failed inspection results in an immediate fine of \$100 to the clerk who sold tobacco products or electronic smoking devices to the underage inspector. In addition, the retailer will be fined on a graduated fine schedule based upon its inspection history over the last 24 months. See [Idaho Code 39-5708](#) for details.
- All Tobacco and Electronic Smoking Device sales must be vendor-assisted unless the retailer is exempt under [Idaho code 39-5706](#). Ensure all products are properly stored out of the reach of customers. Customers should not have access to their purchase until the final sale has been made. This vendor-assisted law also prohibits self-service displays for non-exempt retailers and prohibits the use of vending machines for all retailers.

Key to Success #1 Continued...

- Open packages, samples, and freebies (including discounted or promotional priced products) are illegal in Idaho per [Idaho Code 39-5707](#). Tobacco products and electronic smoking devices must be sold in their original packaging and at the lawful price.

Key to Success #2: Well-Trained Clerks

The start of a new year is a perfect time to consider **annual refresher training** for all clerks and retail staff. We encourage all retailers to print out these monthly newsletters and provide them to their clerks and retail staff and/or post a copy in the store's breakroom as an additional training resource to existing store policy.

Ensure your clerk's success by having a comprehensive training process that includes the following:

- Clerks should ask for ID from any customer who appears to be under the age of **30**.
- All customers must be over the age of **21** to legally purchase tobacco products and/or electronic smoking devices in Idaho.
- Clerks should **ALWAYS SAY "No!"** to any underage customer who attempts to buy tobacco products or electronic smoking devices.
- Clerks should utilize any available technology provided by the retailer (for example, age identifying bar code scanners, cash registers, or "We Card" style calendars) to help determine age eligibility of a customer. However, don't forget that it is easy to spot an underage ID in Idaho **without using math**. All Idaho issued IDs will be oriented **Vertically** for any customer **under 21**. Review [Prevent the Sale's License Designs](#) page for additional assistance.
- Clerks should recognize that fake, borrowed and/or altered IDs are out in the marketplace and can look very real. It should be ok and part of written store policy for clerks to refuse the sale of tobacco and/or electronic smoking device products to any customer who is suspected of having a fake, borrowed, or altered ID. Review [Prevent the Sale's License Fraud](#) page for additional information.
- Make sure all clerks and retail staff review and sign the [Department of Health and Welfare Employee Training form](#) and have it kept as part of their training record.

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 statewide information. 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!



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PLEASE DISTRIBUTE TO EMPLOYEES