



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."

Volume 22, Issue 5
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2023 FACTS AND STATS

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

Grade **A**
for
April 2023

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 April 2023?

- 199 Permitted Retailers were inspected.*
- 12 Permitted Retailers sold to the inspecting minor.
- The compliance rate for April 2023 was:

93.97%

GREAT WORK!

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

The Role of the Underage Inspector

Who are the underage Inspectors?

Contrary to rumor, our underage inspectors are not on "probation" or "troubled teens." They are the best and brightest of Idaho's future leaders. The underage inspectors selected for this project care about the health and welfare of Idaho's youth and want ALL retailers to succeed by refusing the sale of tobacco and electronic smoking devices to those customers under 21.

To be hired to participate in Idaho's tobacco and electronic smoking device compliance inspections, underage inspectors must meet a list of vigorous requirements.

Inspectors under 18

All minors hired as underage inspectors between 16 and 18 years old, must have and keep a strong GPA, get parent permission to participate, have a valid Idaho state issued ID for use during inspections, and show maturity as well as commitment to all inspection procedures.

Inspectors over 18, but under 21

All underage inspectors over 18, but under 21, must provide a work or education resume, pass a background check, and have a valid Idaho state issued ID for use during inspections. Like their younger counterparts, these young people must demonstrate maturity and commitment to all inspection procedures.

Regardless of age, these underage inspectors go through a standardized training process that includes field training and are always supervised by an adult inspector. They must produce their REAL and VALID ID when a clerk asks to see it. Most importantly, our underage inspectors will never lie about their age to a clerk when conducting an Idaho state tobacco and electronic smoking device compliance inspection.

Are Underage Inspectors in Violation of the Minors in Possession law?

[Idaho code 39-5703](#) states that it is illegal for minors (any individual under the age of 21) to possess, receive, purchase, use, or consume tobacco products or electronic smoking devices. It is also illegal for minors to sell or distribute these products or to use false identification or make false statements in effort to obtain these products.

However, [Idaho Code 39-5703 \(4\)](#) makes it clear that underage inspectors who assist with random unannounced inspections as part of the enforcement of Idaho Code 39-5701 et seq. are not in violation of the possession laws. These underage inspectors are provided immunity and should not be impeded by a clerk or retail owner during the process of their lawful inspection.

Confiscating ID from a Minor Attempting to Purchase Tobacco or E-devices.

Some retailers have policies that require a clerk to confiscate the ID of an underage customer who attempts to purchase tobacco products or electronic smoking devices and contact local law enforcement. Similar rules are in place at retailers if they suspect a customer is presenting a fake, altered, or borrowed ID. Is this an ok practice?

The Idaho Department of Health & Welfare supports a retailer's efforts to comply with the law. This may include policies that require clerks to contact law enforcement and confiscate ID if confronted with a customer engaging in illegal behavior. However, retailers and clerks must not interfere with lawful inspection processes including those of an authorized underage inspector.

Therefore, if a clerk has confiscated the ID of an authorized underage inspector, they will be approached by the lead Inspector. That Inspector will request the ID be returned immediately. The lead Inspector has an Idaho Tobacco Project badge that identifies them as a legitimate Idaho tobacco and electronic device inspector. They will provide this identification to the clerk and retail owner if required. It is important that the clerk immediately return the ID of the underage inspector when requested to do so by the lead Inspector.

If a clerk or retail owner refuses to cooperate and return the underage inspector's ID, the lead Inspector will contact local law enforcement or the Idaho State Police to compel the retailer and clerk to return the underage inspector's ID. Hopefully, those extreme measures will never be necessary.

It is always best that requests to return ID are met with a spirit of cooperation. After all, we are a team! Don't forget that as retailers, your clerks are the first line of defense in preventing the sale of tobacco and electronic smoking devices to those under 21. The Idaho Tobacco Project not only wants you to succeed but also seeks your cooperation in meeting the requirements of Idaho law. This cooperative spirit will help make Idaho a leader throughout the nation as a protector of its young people's health and well-being. Thank you for your commitment and assistance in this endeavor.

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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