

UNDERSTANDING IDAHO LAW: Your Defense Against Tobacco Citations

By Jill C. Urie

Citations and fines are currently issued to businesses and their employees under Idaho Code 39-5705, 39-5706 and 39-5707.

**What does this mean?
How does this affect you?**



Idaho Code 39-5705:



This code makes it unlawful to sell, distribute or offer tobacco products to minors. All businesses and their employees should already be aware of this law and should be working to prevent the sale of tobacco products to minors.

If a vendor is observed selling or distributing tobacco to a minor, a citation will be issued under this code and a fine will be imposed to the seller and possibly to the business.

To avoid citations and fines under this code verify the age of all customers requesting to purchase tobacco and only sell to those customers who are over the age of 18.

Idaho Code 39-5706:



This code makes it unlawful to sell or distribute tobacco products by any means other than vendor assisted sales; sell or distribute tobacco products from a vending machine; and/or sell or distribute tobacco products from self-service displays.

The simplest way to avoid violation of this code is to secure your tobacco product away from public access. A customer should not have access to tobacco products except with your assistance.

Any customer seeking to purchase tobacco must request to purchase directly from you. You should then inspect the customer's ID, verify that the customer is over the age of 18, and then sell the tobacco products to the customer if the customer is of legal age.

Exceptions to Idaho Code 39-5706:

Stores that have at least seventy-five percent (75%) of their business comprising of tobacco are exempt from vendor assisted sale laws, **provided that no minors are allowed in the business and signs are clearly posted at all entrances prohibiting a minors entry.**

Purchasing tobacco products through vending machines is illegal for everyone regardless of the type of business.

Understanding Idaho Law continued

Idaho Code 39-5707:



This code makes it unlawful to sell or distribute tobacco products for commercial purposes other than in the federally required sealed package provided by the manufacturer with all the required warning labels and health warnings, and/or sell or distribute tobacco products for free or below cost.

To avoid citations and fines under this code, do not alter the form of the tobacco products received from manufacturer. Be sure to only

sell tobacco products that have been properly sealed and contain the required warning and health labels.

In addition, tobacco products cannot be sold to the public or in public places or events for free or below the actual cost of the product.

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Remember, that your knowledge of tobacco law will not only make it easier to avoid citations and fines, but will assist you in your efforts to prevent the sale to minors.

Prevent the Sale Website

Go to:

www.preventthesale.com/idaho

Learn about the law

Take the tobacco quiz

See what the ID's look like

Play the Game "Would You Sell to This Person?"

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WHAT'S INSIDE!

- ◆ Understanding Idaho Law
- ◆ Prevent The Sale Web Site

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