

Prevent the Sale!

Newsletter for Idaho Tobacco Retailers

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Sponsored by Idaho Department of Health & Welfare

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Idaho Governor Signs new Rule on “Spice”

By Cheryl Dudley

Facts and Stats

“A” Average for OCTOBER

According to Idaho Code 39-5701 the Idaho Department of Health and Welfare must inspect each business that sells tobacco to ensure that it does not sell tobacco to minors

October 2010:

- ❖ 256 Vendors were inspected.*
- ❖ 14 Vendors sold to the inspecting minor.
- ❖ The compliance rate for the month of October 2010 was 94.5%

*Inspections where purchase attempts were made.

Prevent the Sale Web site

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?”

Renew Permits Now

Your tobacco permit will expire on December 31, 2010. You can renew your permits right now online for free at: <http://www.tobaccopermits.com/Idaho>

Be sure to renew your permit before it expires to avoid penalties.

Idaho Banning Chemicals Found in “Spice”

Idaho Governor Otter has signed a new rule that will ultimately ban the sale of a substance known as “Spice.” Spice is also packed as K2, Genie, Ultra, Summit, Blonde, Yucatan Gold, Bombay Blue, Black Mamba, and others. The State Board of Pharmacy proposed the bill because certain chemicals in the substance are harmful. The Governor is allowing time for retailers to return or destroy their products before the ban takes effect.

“We are asking law enforcement to help retailers before the ban on Spice goes on the books by taking control of excess merchandise so it can be properly destroyed,” said Otter.

Spice is an herbal plant mixture soaked in chemical compounds. The compounds were developed to mimic the active ingredients in marijuana. One chemical under the proposed rule—HU-21—is considered a controlled substance by the US Drug Enforcement Administration. The other compounds in Spice are either listed as chemicals of concern and are in the process of being banned, or they are analogues of such compounds.

A survey of Idaho hospitals between February and August reported more than

80 emergency room visits due to Spice usage. Spice is sold as an incense and “not for human consumption” as a means to avoid legal requirements and regulations. Thirteen other states have also banned one or more of the chemicals being considered under the new rule. The 2011 Legislature will consider permanently adding the chemicals in Spice to Idaho’s list of controlled substances.

Idaho— a Cheap Place to Smoke

Smoking isn’t cheap anywhere in America, but it’s a comparative bargain in Idaho. The average pack of cigarettes costs \$4.53 — the ninth cheapest among the 50 states, according to the Campaign for Tobacco Free Kids. The national average is \$5.51.

That’s because Idaho’s 57 cents-per-pack cigarette tax in the eighth lowest in the country. Across America, it’s \$1.01.

So any conversation about finding additional sources of tax revenue to pay for basic government services as the Great Recession winds down could include raising the cigarette tax.

Idaho Smokers Buy Online

The Supreme Court has rejected an appeal from an online cigarette marketer who claimed his company was immune from Idaho laws regulating tobacco sales. The justices on Monday let stand an Idaho Supreme Court ruling against Scott B. Maybee, who sold millions of cigarettes to Idaho smokers through Smartsmoker.com and Ordersmok.com.

The state claimed in a lawsuit that Maybee, a Native American from New York, was violating state laws requiring cigarette

peddlers to register with the state and pay a fee to the state. The laws were passed in the wake of the national tobacco settlement in 1998.

Maybee claimed Idaho laws don't apply because he's protected by federal interstate and Indian commerce laws. The case is Maybee v. Idaho, 09-1471. Stay tuned for any additional case outcomes.

Dissolvable Tobacco

Pharmaceutical company GlaxoSmithKline (GSK) asked the Food and Drug Administration (FDA) to remove dissolvable tobacco products from test markets, the Associated Press reported recently.

The flavored products contain finely milled tobacco, but are used like breath mints or cough lozenges. The FDA is reviewing their potential impact on public health, although they are not widely available. When the FDA issued a call for public input, GSK submitted its comments.

"Smokeless tobacco products are currently being marketed without clear evidence of their safety," GSK said in a statement, the Winston-Salem Journal reported Oct. 4.

R.J. Reynolds, which makes the Camel brand of dissolvable tobacco products, has stated that they give smokers a discreet option when in public places where smoking is not allowed.

GSK wrote in its news release that dissolvable tobacco products "should not be used as an alternative to cigarettes or for smoking cessation due to the potential negative health consequences and their impact on smoking behavior." GSK makes smoking-cessation products like Nicorette gum and the NicoDerm patch.

"If there are tobacco products out there that can be marketed in such a way that can significantly reduce the risk of disease, I don't know of anybody who opposes that," said Matt Myers, president of the Campaign for Tobacco-Free Kids.

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