

TOUGHER LAWS, STIFFER FINES!

By Jill C. Urie

Avoid Costly Confusion!

Several years ago, the FDA stopped enforcing federal tobacco law. The State of Idaho however continues to enforce its own law prohibiting the sale of tobacco to minors. During the FDA's enforcement days, the agency sent Retailers various posters, flyers, and counter mats. These materials told business owners about the new federal enforcement effort. Those days are gone!

The old posters and flyers distributed by the FDA pertaining to tobacco sales are outdated. If your business still displays these old posters or flyers from the FDA they should be discarded. Although the general message is still the same, "don't sell tobacco to minors," these posters contain outdated information regarding fines and other violations.

To avoid confusion, the Idaho Department of Health and Welfare, requests that these FDA posters and flyers specifically pertaining to the Idaho Tobacco Project be removed from your business and thrown out.



For example, Figure 1 shows an old FDA poster that should no longer be displayed.



Figure 1: Example of outdated FDA poster

Idaho's law is tougher! Idaho's tobacco law does more than prohibit the sale of tobacco to minor. It prohibits self-service displays, vending machines, non-vendor assisted sales, samples, freebies and loosies among other things. Here are the things you need to know:

Fine Structure for Clerks and Businesses.

Clerks:

- Clerk's get fined each and every time they are caught selling tobacco to minors – There is **no** warning for the first violation!
- Citations are issued directly to the clerks. It is the responsibility of the clerk, **not** the business to pay the fine.
- The fine for each violation is **\$100.00**

Tougher Laws, Stiffer Fines! continued

Businesses:

- Citations can be issued to businesses for several reasons. In addition to an employee selling tobacco to minors, businesses can be cited for: self-service tobacco (except in tobacco stores), tobacco vending machines, offering samples or having open packages, and having non-vendor assisted sales.
- The citation cycle is 24 months. This means that any violation committed by your business or your employees will count against your total violations for 2 years.
- **First violation** – Businesses are given a warning letter for the first violation.
- **Second violation** – At the second violation, the business is fined **\$200.00**.
- **Third violation** – on the third violation, the business is fined \$200.00. However, if the same employee has sold before, the fine issued will be \$400.00. The third violation includes a permit suspension for up to 7 days.
- **Four or more violations** –For each offense at four or more violations, businesses will be fined \$400.00 and their tobacco permit suspended for 30 days.

It's Easy to Avoid Tobacco Fines

Tobacco fines are easily avoided. Be sure to check your customer's ID's, understand the law, and know your store policies.

By preventing the sale of tobacco to minors, you will not only be following the law and avoiding costly fines, but you can have a part in ensuring a happy and healthy future for Idaho's youth.

Factoids and Statistics

"B-" Average for April

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. For April of 2003:

- ❖ 160 Vendors were inspected. *
- ❖ 30 Vendors sold to the inspecting minor.
- ❖ The compliance rate for the month off April 2003 was 81.25%.

*Inspections where purchase attempts were made.

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