

IDAHO AND ITS NEIGHBORS: How the Tobacco Laws and Inspections Stack Up

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Idaho Tobacco Laws

As you know, Idaho tobacco vendors are inspected to see whether or not they are selling tobacco to minors in compliance with Idaho's tobacco laws. Did you know that these tobacco laws are NOT just applied in Idaho? Federal guidelines about selling tobacco to minors have been passed down to every state in the nation. Some states have more stringent laws and penalties for failing to comply with the tobacco laws than others. Some states charge violators criminally and have large fines for selling to minors. For example, California violators can be fined up to \$1000 and vendors can be fined up to \$6000 for selling tobacco to minors. In Colorado, the fines for individuals are \$200 per violation and businesses can be fined between \$250 and \$15,000. In New Mexico violators found selling tobacco to minors are guilty of a misdemeanor with a fine up to \$1000 and one year in prison. In South Dakota violators are fined \$200 or can spend up to 30 days in jail.

As a reminder, Idaho fines the seller (clerk) \$100 every time they're found selling tobacco to minors. Idaho vendors have a fine schedule as follows:

- First Offense: A warning letter.
- Second Offense: \$200 fine unless documentation can prove appropriate employee training was in place.
- Third Offense: \$200 fine. If the same employee has sold before, the fine is \$400. Fines included a permit suspension of 7 days.
- Fourth or more offenses: \$400 fine and permit revocation for at least 30 days.

Factoids and Statistics

"B+" Average for March

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 March of 2004:

- ◆ 290 Vendors were inspected. *
- ◆ 32 Vendors sold to the inspecting minor.
- ◆ The compliance rate for the month of March, 2004 was 88.97%.

*Inspections where purchase attempts were made.

Idaho's Neighbor's

Our Neighbors Laws

Idaho has six neighboring states: Washington, Oregon, Nevada, Utah, Wyoming and Montana. What are Idaho's neighbors doing to enforce the tobacco laws aimed at preventing the sale of tobacco to minors?

- Washington's focus is on the licensed retailer. Retailers that sell tobacco products to minors can be fined \$100 to \$1500 depending on the number of offenses within a given year. Employees are fined \$50 for the first offense and \$100 for subsequent offenses.
- Oregon has a straight forward policy of fining violators who sell tobacco to minors not less than \$100 per violation.

Idaho and Its Neighbors! *continued*

- Nevada's focus is on the seller rather than the tobacco retailer. Violators selling tobacco to minors are fined up to \$500 in addition to a civil penalty of \$500.
- Utah enforces a tobacco law where violations range from a Class C misdemeanor with fines up to \$750 and jail time up to 90 days to a Class A misdemeanor with fines up to \$2500 and jail time up to 1 year depending on the number of offenses within a given year. Retailers pay fines ranging from \$300 to \$1000 depending upon the number of violations.
- Wyoming has fines for violators that range from \$50 for the first offense to \$750 for three or more offenses. Retailer's fines also range from \$50 to \$750.
- Montana gives fines of \$25 to employees who sell tobacco's to minors. Retailers receive a \$500 fine when there has been five violations in a three year period.

Idaho tobacco retailers should also note that Washington, Montana and some other states require tobacco retailers to pay for their permits. Permit costs can range in these states from \$5 to \$90 depending on the business.

Our Neighbors Violation Rates

So now that we know what type of penalties Idaho's neighboring states have that enforce tobacco laws aimed at preventing the sale to minors, how does their violation rate compare to Idaho's? According to the federal Synar report for 2003, the desired violation rate should be below 20%. Idaho's statewide violation rate is 10.5% and is within the desired federal target. Idaho's neighbor's violation rates are as follows:

- Washington's violation rate was within the desired federal target at 13.8%;
- Oregon's violation rate was within the desired federal target at 17.5%.
- Nevada's violation rate was within the desired federal target at 18.3%
- Utah's violation rate was within the desired federal target at 12.4%
- Wyoming's violation rate was within the desired federal target at 8.2%
- Montana's violation rate exceeds the desired federal target at 23.3%.

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