



Contact us: 208-334-0642
ID Tobacco Project Website: healthandwelfare.idaho.gov
Select the "medical" menu and then "Idaho Tobacco Permits"

**2019
FACTS AND STATS**

Compliance Grade:
A

**A Six-Month Summary
Jan - June**

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.

How well did Idaho Tobacco Retailers comply with the law?

- 857 Tobacco Retailers were inspected.*
- 59 Tobacco Retailers sold to the inspecting minor.
- The compliance rate for the last six months was 93.12%

WELL DONE!

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

Understanding the Compliance Inspection

Idaho law requires a certain minimum number of compliance inspections be done each year on Idaho Tobacco Retailers. How is that minimum number calculated? First, state code requires that at least one random compliance check take place per retailer per year. Additional inspections are calculated using a math formula based on the non-compliance rate for the previous calendar year. The math formula is calculated by taking the number of permitted retailers for the year and multiplying that by the percentage of the previous years' violation rate, then multiplying that by ten. Sounds complicated, right?

All you need to remember is that each Idaho Tobacco Retailer should expect to be inspected by an Idaho State Inspection Team at least two times per year with those inspection being at least 30 days apart. You also want to remember that the FDA conducts its own series of inspections with its own inspection teams. The FDA inspections are completed separately from state compliance activities.

During these state compliance inspections, an inspecting minor will attempt to purchase tobacco from the retailer. What happens next depends on you!

A Passed Inspection: If the clerk refuses to sell tobacco to the inspecting minor, the minor leaves the establishment without further incident. The retail owner is notified by mail that an inspection occurred and that the retail location "passed" the inspection with our congratulations for a job well done. Given our high monthly compliance rate, this is the experience most of you have with Idaho Tobacco Compliance Inspections.

A Failed Inspection: If the retailer "fails" the inspection and the clerk sells tobacco to the inspecting minor, the clerk is fined, and the retailer is notified by mail of the violation and could also be issued a fine.

What are the fines for clerks and retail owners?

For Clerks:

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

For Retail Owners:

- Citations can be issued to retailers for several reasons. In addition to an employee selling tobacco to an inspecting minor, retail owners 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. **Check out of newsletter next month for details on these types of violations.**
- The citation cycle is 24 months (2 years). This means that violations will accumulate for 24 months after the first violation.
 - First violation – Retailers are given a warning letter for the first violation. Stay violation free for 24 months and your violation count will return to zero.
 - Second violation – At the second violation within 24 months, the business is fined \$200.00.
 - Third violation – on the third violation within 24 months, 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 within 24 months, retailers will be fined \$400.00 and their tobacco permit suspended for a minimum of 30 days.

A Job Well Done! In calendar year 2018, Idaho saw its second-highest compliance rate of 93.57% since the program's inception nearly 20 years ago. The compliance rate, which is reported monthly in the Facts and Stats section of this newsletter, documents the number of times retailers successfully refused the sale of tobacco to inspecting minors. The success in 2018 would not have been possible without your continued commitment to Idaho's tobacco laws, the training of your retail clerks and staff, and the health and welfare of Idaho's youth. Congratulations on a job well done!



Need information on the Idaho tobacco law, training and point-of-sale resources, information about what IDs look like, a helpful quiz and game to practice when to refuse the sale of tobacco to a customer, and many other resources tailored to Idaho Tobacco Retailers? Check out our website designed just for Idaho Tobacco Retailers: Preventthesale.com/Idaho



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What's inside?

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- Understanding the Compliance Inspection
- Fine Structures for Clerks and Retailers
- A Job Well Done!
- Prevent the Sale!

PLEASE DISTRIBUTE TO EMPLOYEES