



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
August 2019

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?

- 293 Tobacco Retailers were inspected.*
- 5 Tobacco Retailers sold to the inspecting minor.
- The compliance rate for the last six months was 98.29%

WELL DONE!

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

IDAHO'S LAWS FOR DISPLAYING TOBACCO

We mentioned in the August 2019 newsletter that citations can be issued to retailers for several reasons, not just for selling tobacco to a minor. Retailers can be cited for: self-service tobacco (unless exempt by law), tobacco vending machines, offering samples or having open packages, and having non-vendor assisted sales. Here's what you need to know about the requirements for displaying tobacco.

SELF-SERVICE

What the law says: It shall be unlawful to sell or distribute tobacco products or electronic cigarettes from self-service displays (Idaho Code 39-5706 (4)).

Retailers may be exempt from this law:

Stores with tobacco products comprising at least seventy-five percent (75%) of total merchandise are exempt from requiring vendor assisted sales, if minors are not allowed in the store and such prohibition is posted clearly on all entrance doors. (Idaho Code 39-5706 (5)). Examples of these types of businesses are age-restricted tobacco stores.

What does the law mean? If your retail location is not exempt from this law as defined in Idaho Code 39-5706 (5), then be sure customers CANNOT access or pick up tobacco from a display and take it to the counter for purchase without asking a store employee for assistance. Keep tobacco behind a counter, locked or barricaded in some way where customers do not have direct access to them. Ask yourself: "Does my business have a "physical barrier" between the customer and the tobacco products so that a customer cannot reach and take tobacco from the display without assistance?" If your answer is "yes," then your tobacco is stored properly.

If your business is exempt from this law and has at least 75% of their merchandise in tobacco products, then be certain to have clearly posted signs at all entrances restricting anyone younger than 18 from entering.

MARK YOUR CALENDARS!

Idaho Tobacco Permit Renewals for Calendar Year 2020 Starts October 1, 2019. The renewal period will begin October 1, 2019 and will end December 31, 2019.

VENDOR ASSISTED SALES

What the law says: It shall be unlawful to sell or distribute tobacco products or electronic cigarettes by any means other than vendor assisted sales where the customer has no access to the product except through the assistance of the seller. On and after January 1, 2000, it shall be unlawful to sell or distribute tobacco products from a vending machine. On and after January 1, 2013, it shall be unlawful to sell or distribute electronic cigarettes from a vending machine. (Idaho Code 39-5706 (1)(2)&(3)).

What does the law mean? Customers should not receive the tobacco product at any time before payment is completed. If a customer can access a self-service display (from a non-exempt business), use a vending machine, or is handed unpurchased cigarettes by a clerk to transport within the store to another cashier to pay, then that is considered against the law. To ensure compliance with this law, simply make sure a customer does not handle tobacco until the sale of the product is complete.

OPEN PACKAGES AND SAMPLES

What the law says: It shall be 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. It shall be unlawful to sell or distribute tobacco products for free or below the cost of such products to the sellers or distributors of the products for commercial or promotional purposes, to members of the general public in public places or at public events. (Idaho Code 39-5707 (1)&(2)).

What does the law mean? Tobacco products should never be removed from their original packaging. For example, removing cigarettes from their packs and placing them on individual display is a violation of the law. Cigars sold individually should be stored in a locked container and should remain in their original wrapping. And never give tobacco products away for free or at below cost. Keep it simple: only sell tobacco in its original packaging and at the lawful price.



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?

- Facts and Stats
- Idaho's Laws for Displaying Tobacco
- MARK YOUR CALENDAR: Permit Renewals
- Prevent the Sale!

PLEASE DISTRIBUTE TO EMPLOYEES