



Contact us: 208-334-0642

ID Tobacco Project Website: [healthandwelfare.idaho.gov](http://healthandwelfare.idaho.gov)  
Select the "medical" menu and then "Idaho Tobacco Permits"

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## 2021 FACTS AND STATS

What was the  
Compliance Grade  
after last month's  
state tobacco  
inspections?

Grade **A-**  
for July 1 -  
Sept. 30, 2021

According to Idaho Code 39-5701, the Idaho Department of Health and Welfare must inspect each Permitted Retailer that sells tobacco and electronic smoking devices to ensure that it does not sell these products to minors.

How well did these Permitted Retailers comply with the law?

- 251 Permitted Retailers were inspected.\*
- 23 Permitted Retailers sold to the inspecting minor.
- The compliance rate for July 1 – Sept 31, 2021 was

**90.84%**

**WELL DONE!**

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

## USPS Joins Other Carriers as it Bans Shipment of Vape

For retailers who sell electronic smoking devices through online or mail delivery, the USPS issued a final rule to end its delivery of vaping products through the U.S. Mail. The new USPS rule took effect immediately after the publication in the [Federal Register](#) on October 21, 2021. This rule will drastically change online sales and shipping of vaping devices and liquids.

As mandated by Congress in the [Preventing Online Sales of E-Cigarettes to Children Act](#) (POSECCA), the final rule will not contain any exceptions for residential delivery of either nicotine or cannabis vaping products (except within the states of Alaska and Hawaii). POSECCA was passed and signed into law last December as part of a federal budget bill.

In addition to banning vape mail, POSECCA requires vape shippers to comply with the [Prevent All Cigarette Trafficking \(PACT\) Act](#), a law that was passed in 2009.

The USPS joins other major US-based shipping companies, Fed Ex, UPS, DHL, to ban the shipment of vaping products. The prohibition imposed by these four main US carriers affect online sales to consumers as well as business-to-business transactions between manufactures, distributors, and retailers.

Any retailer selling and shipping vape, e-cigarettes, or any electronic smoking device product is encouraged to review the rules outlined by the POSECCA law passed by Congress last year, the Federal Register rules issued October 21, 2021, and the PACT Act regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to ensure the proper shipment and handling of any tobacco or electronic smoking device product.

### Time to Renew Permits!!

Renew your permits before December 31, 2021 to avoid penalties. It can be done online for free at [TobaccoPermits.com](http://TobaccoPermits.com).

Need help? We are happy to assist you with your permit renewal or any questions you may have. To reach us, call our permitting team at 208-892-0620 or toll free at 877-641-4468. Prefer to send an email? Submit a contact request online by selecting the "Contact Us" link on the [TobaccoPermits.com](http://TobaccoPermits.com) homepage.

## VENDOR ASSISTED SALES and SELF-SERVICE

With the current labor shortage, it is possible you have experienced a higher-than-normal staff turnover rate. When this happens, Idaho Tobacco and Electronic Smoking Device Retailers should ensure proper training of their clerks, especially if there have been lots of staff changes.

Let's review two important laws that all retailers and their staff should understand when selling tobacco or electronic smoking devices:

- Vendor Assisted Sales: [Idaho Code 39-5706 \(1\)\(2\)&\(3\)](#) says it is 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. Under this law, the use of vending machines was also banned.

To ensure compliance with the vendor assisted sales requirement, clerks should ensure that the customers do not touch or handle the tobacco or electronic smoking device product until the sale of the product is complete. 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.

- Self-Service Displays: [Idaho Code 39-5706 \(4\)\(5\)](#) says it is unlawful to sell or distribute tobacco products or electronic cigarettes from self-service displays. However, some retailers may be exempt from this law. To qualify for the self-service exemption, the store's tobacco or electronic smoking device products must comprise of at least seventy-five percent (75%) of total merchandise, so long as, minors are not allowed in the store and such prohibition is posted clearly on all entrance doors. An example of exempt retailers may include age-restricted tobacco store or a vape exclusive retailer.

If your retail location is NOT exempt from the self-service law (which is most tobacco and electronic smoking device retailers), then be sure customers CANNOT access or pick up tobacco and electronic smoking devices from a display and take it to the counter for purchase without asking a store employee for assistance. Keep products behind a counter, locked or barricaded in some way where customers do not have direct access to them. Each retailer should have a "physical barrier" between the customer and the tobacco and electronic smoking device products. If your retail location is exempt, then you must be sure you have the proper signage and restrict access to your store to all underage customers.



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](http://Preventthesale.com/Idaho)



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**PLEASE DISTRIBUTE TO EMPLOYEES**