



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 for  
Calendar Year 2021?**

**Grade A  
for  
Calendar Year 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 in Calendar Year 2021?

- 1570 Permitted Retailers were inspected.\*
- 107 Permitted Retailers sold to the inspecting minor.
- The compliance rate for Calendar Year 2021 was

**93.18%  
GREAT JOB!**

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

## Preparation: The Key to Success

Alexander Graham Bell was quoted as saying, "Before anything else, preparation is the key to success". These are wise words that are true in life and in business. As an Idaho Tobacco and Electronic Smoking Device Retailer ("Retailers"), compliance inspections that enforce [Idaho Code 39-5701 et. seq., the "Prevention of Minors' Access to Tobacco Products or Electronic Smoking Devices,"](#) are an expected part of doing business. Understanding what to expect from these inspections can be crucial in successfully complying with the law. Let's take a closer look at how inspections are conducted, what elements of the code these inspections are enforcing, and how best to be ready for the inevitable compliance inspection.

### How are Inspections conducted?

Idaho code 39-5701 et. seq., requires every Retailer to be inspected at least once per year to test compliance with the code. Additional inspections are dependent on the state's violation rate. As the violation rate increases, so does the number of required annual inspections.

Regionally placed Inspection teams conduct these enforcement activities. Most Retailers (those who do not have a "Minor Exempt Permit") are inspected using an Inspecting Minor who attempts to purchase a tobacco product or electronic smoking device as defined in Idaho Code 39-5702 (13). These Inspecting Minors are authorized to make these purchase attempts under Idaho code 39-5703 (4). Inspections conducted by an Inspecting Minor are also observed by an Adult Inspector and the results of the inspection are documented immediately.

### What Elements of the Code Do Inspections Enforce?

While Inspection Teams assist with enforcing all elements of Idaho Code 39-5701 et. seq., the primary focus is on preventing the sale of tobacco products or electronic smoking device products to minors.

Inspecting Minors attempt to purchase tobacco products or electronic smoking devices from Retailers during these inspections. If the clerk sells to the Inspecting Minor, the clerk will be issued a \$100 citation on the spot by the Adult Inspector. Retailers are notified by mail of the violation and may also be issued a Retailer fine.

Remember that a violation takes place at the point of sale. In other words, the business will fail an inspection the moment the tobacco product or electronic smoking device is sold to the minor. The clerk is not allowed to try and take back the product, take an Inspecting Minor's ID, or detain the Inspecting Minor in any way. These Inspecting Minors are participating in legal enforcement activities and are protected under Idaho Code 39-5703 (4).

While at the Retail location, Inspection Teams also inspect for unauthorized self-service displays, non-vendor assisted sales, vending machines, and open packages, samples or free tobacco products. Violation of these laws can increase the Retailer's violation count and fines owed. The schedule of civil penalties for violations are discussed in Idaho Code 39-5708.

Retailers who have a "Minor Exempt Permit" as defined in Idaho Code 39-5702 (7) are inspected by an Adult Inspector for violations pertaining to unauthorized self-service displays, non-vendor assisted sales, vending machines, and open packages, samples or free tobacco products.

Finally, we also rely on Inspection Teams to help us identify retailers who may be selling tobacco products or electronic smoking devices without the required permit.

### How Can a Retailer Be Ready for Inspections?

The Idaho Department of Health and Welfare want its Idaho Tobacco and Electronic Smoking Device Retailers to be successful and stay in compliance with Idaho law. Part of being ready for Inspections that enforce Idaho Code 39-5701 et. seq., is understanding how inspections are conducted, what elements of the code are being enforced, and the potential consequences for a failed inspection. To be sure you are ready for 2022 compliance checks, commit to:

- Maintaining a valid permit and renewing annual permits timely.
  - NOTE: All Retailers (including any Retailer who exclusively sells components of tobacco or electronic smoking devices, even if those products do not contain nicotine) should have a 2022 permit as of January 1, 2022. Review [Idaho Code 39-5702 \(13\)](#) for details.
- Ensuring employees are prepared for the compliance check by conducting routine training that provides guidance on how to:
  - say "No" to any minor attempting to purchase a tobacco product or electronic smoking device,
  - identify the age of a customer by the visual cues provided by Idaho's ID without using math,
  - identifying fake or borrowed IDs, and
  - understand the proper placement of products to avoid violations for self-service or non-vendor assisted requirements.
- Providing helpful resources, like we card calendars, posters, age calculating cash registers, etc., that help clerks quickly determine the age of the customer based upon the birthdate on the presented ID.

### Prevent-The-Sale!

Visit the [Idaho Tobacco Project-Prevent The Sale](#) page to learn more and find additional resources.



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#### What's inside?

- Facts and Stats
- How Inspections are Conducted
- Codes Being Enforced
- Being Ready for Inspections
- Prevent The Sale Resources

**PLEASE DISTRIBUTE TO EMPLOYEES**