



Contact us: 208-334-0642

ID Tobacco Project Website: healthandwelfare.idaho.gov
Select the "medical" menu and then "Idaho Tobacco Permits"

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2022 FACTS AND STATS

What was the
Compliance Grade for
April 2022?

Grade **A**
for
April 2022

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 April 2022?

- 254 Permitted Retailers were inspected.*
- 13 Permitted Retailers sold to the inspecting minor.
- The compliance rate for April 2022 was

94.88%
GOOD JOB!

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

Learning More About the Upcoming Changes to Idaho's Tobacco Code

Mark your Calendars for July 1, 2022

Why is July 1, 2022 an important date for all Idaho Tobacco Retailers to remember? On this date, the latest changes to Idaho Code 39-5701, et. seq. will take effect. The primary change to the code will be the increase in the legal age to purchase tobacco products and electronic smoking devices. As of July 1, 2022, all customers must be at least 21 years old to legally purchase tobacco products and/or electronic smoking devices. Mark your calendars and be ready for this change!

How does the latest changes to Idaho Code Impact Retailers?

We are beginning to receive questions from retailers about what the changes to Idaho Code might mean for their business. We recommend all Idaho Tobacco Retailers print and review our April 2022 issue of this newsletter. Share it with all employees and staff. The [April 2022 newsletter](#) provides a general overview of the changes that will be coming with the increase in legal purchase age to 21.

In addition, if you haven't already received one, an official Memo is being mailed to each Retailer from the Idaho Department of Health & Welfare's Idaho Tobacco Product Manager, Amber Campbell. This official notice reiterates the increase in the legal age to purchase tobacco products and electronic smoking devices. Keep an eye out for a hard copy of this memo being delivered to your mailbox. We will also be emailing a copy to you.

In addition, get a head start on the changes by reviewing a copy of [S1284](#). This version of the Code provides edit markings where changes to the Idaho Code 39-5701 et seq., were made. Scanning through this legislative document will assist Retailers with what has and has not changed with the code language. Again, these changes will take effect July 1, 2022. Until then, the current version of the code remains in effect. Learn more about how this bill became law by visiting the [Idaho Legislature Website](#).

How do the changes to the Code Impact Hiring Practices?

There has been specific concern about how changes to Idaho Code 39-5701, et. seq. might impact future hiring practices. While we touched on this question briefly in the [April issue of this newsletter](#), let's review the code specific to hiring of employees and discuss what changes, if any, Idaho Tobacco Retailers should be aware of.

The code that addresses hiring restrictions can be found in Idaho Code 39-5704 (8). The new version of the code provides clarity but does not fundamentally change hiring practices for employers moving forward. The new version of the section 5704 (8) will become effective July 1, 2022. The following language is from [S1284](#). The underlined portions show where text has been added to the Code, whereas the strikeouts show where words have been removed.

Section 3. That Section 39-5704, Idaho Code, be, and the same is hereby amended to read as follows: 39-5704 (8) It shall be unlawful for the permittee to allow employees who are minors to sell or distribute tobacco products or electronic smoking devices, except as provided in this subsection. ~~Exception:~~ Employees who are minors may possess but not sell or distribute tobacco products or electronic smoking devices in the course of employment, for such duties as stocking shelves or carrying purchases to customers' vehicles, and employees who are eighteen (18) years to twenty (20) years of age may sell or distribute tobacco products or electronic smoking devices in the course and scope of their employment.

So, what are the take-aways from this section that address hiring practices and restrictions:

- Minors under 18 **cannot** sell or distribute tobacco products or electronic smoking devices. For example, a minor under 18 cannot be a clerk who sells these products. A minor under 18 **can**, in the course of their employment duties, stock shelves with tobacco products or electronic smoking devices. They can also help a customer to their car by carrying packages that contain these products. This hiring restriction is not a departure from the previous version of the code.
- Employees between 18 and 21 **can** sell and distribute tobacco products and electronic smoking devices. This means employees between 18 and 21 can act as clerks. While this detail was added to Section 39-5704 (8), it is also not a departure for the previous version of the code.

Idaho Tobacco Retailers can feel confident that their hiring practices are within the law, if they follow the existing code requirements and maintain compliance with the amended law that will take effect July 1, 2022.

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
- Learning More About the Changes to Idaho Code
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PLEASE DISTRIBUTE TO EMPLOYEES