



Contact IDHW's Idaho Tobacco Project at: 877-641-4468
ID Tobacco Project Website: healthandwelfare.idaho.gov/providers
Select the topic "Retailers" then "Idaho Tobacco Project."

Volume 23, Issue 1
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FACTS AND STATS

What was the Compliance Grade for Calendar Year 2023's state tobacco and electronic smoking device inspections?

Grade A

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 2023?

- 1872 Permitted Retailers were inspected.*
- 108 Permitted Retailers sold to the inspecting minor.
- The compliance rate for calendar year 2023 was:

94.23%

GREAT WORK!

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

A Tool for Success: Annual Refresher Training for Clerks

It's the beginning of another year - a time when resolutions are made to improve what came before. Maybe your resolution is to grow your business or to spend more time with your family. Whatever your plans for the new year, this time of year is the perfect opportunity to conduct **annual refresher training** of all clerks by reviewing the requirements of Idaho Code 39-5701, et seq., *Prevention of Minors' Access to Tobacco Products or Electronic Smoking Devices*.

By conducting **annual refresher training**, you can ensure that your clerks have the tools to successfully comply with the law. This refresher training should include, at a minimum, the following reminders:

- Make sure all clerks and retail staff review and sign the [Department of Health and Welfare Employee Training form](#) and have it kept as part of their training record.
- Clerks should ask for ID from any customer who appears to be under the age of **30**.
- All customers must be over the age of **21** to legally purchase tobacco products and/or electronic smoking devices in Idaho.
- Clerks should **ALWAYS SAY "No!"** to any underage customer who attempts to buy tobacco products or electronic smoking devices.
- Clerks should utilize any available technology provided by the retailer (for example, age identifying bar code scanners or cash register calculators) to help determine age eligibility of a customer. However, don't forget that it is easy to spot an underage ID in Idaho **without using math**. All Idaho issued IDs will be oriented **Vertically** for any customer **under 21**. Review [Prevent the Sale's License Designs](#) page for additional assistance.
- Clerks should recognize that fake, borrowed and/or altered IDs are out in the marketplace and can look very real. It should be ok and part of written store policy for clerks to refuse the sale of tobacco and/or electronic smoking device products to any customer who is suspected of having a fake, borrowed, or altered ID. Review [Prevent the Sale's License Fraud](#) page for additional information.

- All inspections conducted throughout the year are required to be random and unannounced per [Idaho Code 39-5710](#). Therefore, always be prepared for an inspection. It could happen at any time.
- A failed inspection results in an immediate fine of \$100 to the clerk who sold the tobacco products or electronic smoking devices to the underage inspector. In addition, the retailer will be fined on a graduated fine schedule based upon its inspection history over the last 24 months. See [Idaho Code 39-5708](#) for details.
- All Tobacco and Electronic Smoking Device sales must be vendor-assisted unless the retailer is exempt under [Idaho code 39-5706](#). Ensure all products are properly stored out of the reach of customers. Customers should not have access to their purchase until the final sale has been made. This vendor-assisted law also prohibits self-service displays for non-exempt retailers and prohibits the use of vending machines for all retailers.

How are the compliance inspections going?

Look at the [Facts and Stats](#) section of this newsletter each month. There you will learn how many inspections were completed (specifically, non-minor exempt retail inspections where purchase attempts were made) and how many sales to minors occurred. This newsletter shows that for the calendar year 2023, 5.77% of non-minor exempt retailers sold tobacco products or electronic smoking devices to an underage inspector. Compared to last year, the violation rate has increased by 2.11%. While not a dramatic increase in the sales rate, the time is **NOW** to redouble the efforts and prevent a future upward trend in sales to underage customers. Work with your clerks to ensure they have the tools to prevent the sale of tobacco and electronic smoking device products to any customer under the age of 21.

What is Project Filter?

[Project Filter](#) is a state health program that supports people who want to quit smoking, vaping, or chewing. The program's motto is, "You decide when, and we will show you how." The program also coordinates with policymakers, community organizations, and schools to help prevent people from using tobacco products. If you never start, after all, you never have to quit.

If you or someone you know has a new year's resolution to quit smoking, vaping, or chewing, [Project Filter](#) is there to help. Learn more on [IDHW's Webpage](#).

Prevent-The-Sale!

Idaho Tobacco Retailers have two resources for Prevent-The-Sale content: Visit Idaho's Department of Health and Welfare's official [Idaho Tobacco Project-Prevent The Sale](#) webpage for statewide information. Visit Idaho Tobacco Projects interactive website [Preventthesale.com](#) for interactive and evolving content, including newsletter archives, information on IDs, and downloadable resources and documents. This site has new material available for download!



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What's inside?

- Facts and Stats
- A Tool for Success: Annual Refresher Training
- How are the compliance inspections going?
- What is Project Filter
- Prevent-The-Sale Resources

PLEASE DISTRIBUTE TO EMPLOYEES