



Contact IDHW's Idaho Tobacco Project at: 877-641-4468
ID Tobacco Project Website: <https://healthandwelfare.idaho.gov/providers>*
*Scroll down to the topic "Retailers" then select "Idaho Tobacco Project."

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FACTS AND STATS

What was the Compliance Grade for March 2024'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 customers under the age of 21.

How well did these Permitted Retailers comply with the law in March 2024?

- 302 Permitted Retailers were inspected.*
- 18 Permitted Retailers sold to the underage inspector.
- The compliance rate for March 2024 was:

94.04%

GREAT WORK!

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

Regulatory Roundup: Ensuring Compliance in Tobacco Retailing

State Inspections are Currently Underway

The state inspection process serves as a vital mechanism for enforcing regulations designed to protect public health and prevent underage access to tobacco and electronic smoking products. Our goal is to promote responsible retail practices and uphold laws that prioritize the well-being of the community. Retailers play a crucial role in this endeavor by maintaining vigilance and adherence to state regulations, thereby contributing to broader efforts to reduce youth access to harmful substances.

Enforcement of [Idaho Code 39-5701, et seq.](#) is currently underway in your community through state inspections. Permitted Idaho Tobacco and Electronic Smoking Device Retailers should expect at least two, and likely more, inspections annually. These inspections are conducted by state inspection teams and operate independently of any federal inspection activities done by the FDA. For further guidance on state inspection procedures and requirements, we encourage retailers to familiarize themselves with [Idaho Code 39-5701, et seq.](#) and utilize the resources provided by the [Idaho Department of Health and Welfare](#), including its [Prevent the Sale](#) website.

FDA Inspections

Apart from state inspections, the FDA is also conducting its own series of inspections through dedicated inspection teams. These FDA inspections operate independently from state compliance activities, with their frequency at retail locations determined by the FDA's own regulations. We advise Idaho Tobacco and Electronic Smoking Device Retailers to contact the FDA's Center for Tobacco Products (CTP) at 1-877-CTP-1373 for inquiries regarding FDA inspection procedures and federal requirements concerning the sale of tobacco and electronic smoking devices to the public. Additionally, valuable information and resources, including training videos and webinars, are available on the [FDA's Center for Tobacco Products \(CTP\)](#) website.

Understanding State Inspections:

During state inspections, underage inspectors attempt to purchase tobacco or electronic smoking devices from retailers. If the clerk refuses the sale, the inspection is deemed successful, and the retailer is notified by mail of a job well done. However, if the sale is completed, immediate fines are imposed on the clerk, and the retailer is notified of the infraction by mail. Additionally, based on prior violations within the past 24 months, the retailer could face further fines or penalties.

The frequency and process of state inspections emphasize the importance of compliance with state laws and regulations. By understanding and adhering to these requirements, retailers and their clerks can ensure legal compliance in their sales of tobacco and electronic smoking devices, avoid unnecessary fines, and contribute to public health efforts aimed at preventing underage access to harmful substances.

Penalties for Failing an Inspection

For Clerks:

There is no warning for the first violation. Clerks will be fined every time they sell tobacco or electronic smoking devices to an underage inspector. A citation, in the amount of \$100, is issued directly to the clerk immediately after an underage inspector successfully purchases tobacco or electronic smoking devices. Clerks are solely responsible for paying the fines, and some employers may have a zero-tolerance policy, resulting in immediate termination for clerks who violate regulations. Clerks are encouraged to remain vigilant and always check the ID of customers who appear to be under the age of 30.

For Retailers:

Retail owners can also receive citations for various violations, including self-service displays of tobacco and electronic smoking devices, vending machines selling these products directly to the public, offering samples or out of the package singles, and having non-vendor assisted sales. Violations accumulate over a 24-month period, with fines increasing in amount and potentially leading to permit suspension or revocation at the retail location. Review [Idaho Code 39-5701, et seq.](#) for more details.

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.



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What's inside?

- State Inspections Underway
- FDA Inspections
- Understanding State Inspections
- Penalties for Failing State Inspections
- Prevent-The-Sale Resources

PLEASE DISTRIBUTE TO EMPLOYEES