



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 July 2024 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 July 2024?

- 324 Permitted Retailers were inspected. *
- 23 Permitted Retailers sold to the underage inspector.
- The compliance rate for July 2024 was:

92.90%

KEEP IT UP!

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

Stay Compliant: FDA's Latest Warnings to Retailers Selling Unauthorized E-Cigarettes

On July 25, the FDA announced it had [issued warning letters](#) to 80 brick and mortar retailers in 15 different states for selling unauthorized e-cigarette products popular with youth, including Elf Bar and Lost Mary. Additionally, the FDA also announced the filing of complaints for civil money penalties (CMPs) against eight other retailers who failed to take action after being previously warned about selling unauthorized e-cigarettes.

Then on July 31, 2024, the FDA issued warning letters to five online retailers for selling unauthorized disposable e-cigarette products marketed under the brand names Geek Bar, Lost Mary, and Bang.

These types of letters are nothing new. The FDA issues warning letters because of the ongoing effort to identify emerging products of particular concern that are popular among youth or have youth appeal. For example, emerging data showed Geek Bar – a Chinese-owned and manufactured brand – has recently seen an uptick in sales and can appeal to youth. It is an ongoing battle as new e-cigarette products are flooding the US market. Most of these new products have failed to go through the official authorization process for legal sale within the US.

The FDA holds retailers accountable for selling unauthorized tobacco products, particularly those popular with youth. To date, the FDA has:

- issued over 680 warning letters to firms for manufacturing, selling, and/or distributing unauthorized new tobacco products,
- issued more than 690 warning letters to retailers for the sale of unauthorized tobacco products,
- and filed civil money penalty complaints against 64 manufacturers and more than 140 retailers for distribution and/or sale of unauthorized tobacco products.

As of August 1, 2024, the FDA has authorized 34 e-cigarette products and devices. The agency maintains a [printable one-page flyer of all authorized e-cigarette products](#) that retailers can easily consult to determine which products can be lawfully marketed and sold in the U.S. Entities manufacturing, importing, selling, or distributing e-cigarettes without the required Premarket authorization are at risk of FDA enforcement.

Go to the [FDA's Center for Tobacco Products \(CTP\) Newsroom](#) to learn more about the FDA's efforts to curb the sale of unauthorized e-cigarettes.

Searchable Tobacco Products Database

Are you selling legal products? Just because a distributor provides product options does not mean all products available are legal to be sold in the US. As an Idaho Tobacco and Electronic Device Permit holder be sure to review the tobacco, e-devices, and other vape products being sold at your business. Any products you sell must be authorized to be sold inside the US by the FDA.

The FDA has a searchable Tobacco Products Database to help you determine if you are selling products legally. This database provides entries for tobacco products that may be legally marketed because they are:

- 1) new tobacco products authorized through one of three pathways to market,
- 2) established through a voluntary determination program as pre-existing tobacco products (commercially marketed as of Feb. 15, 2007), or
- 3) provisional tobacco products that were removed from review.

[Search the Database](#)

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?

- FDA's Warnings to Retailers Selling Unauthorized E-Cigs
- Searchable Tobacco Products Database
- Prevent-The-Sale Resources

PLEASE DISTRIBUTE TO EMPLOYEES