



Facts and Stats Grade "A" for April

According to Idaho Code 39-5701, the Idaho Department of Health and Welfare must inspect each business that sells tobacco to ensure that it does not sell tobacco to minors. In **April 2017**:

- 250 Vendors were inspected. *
- 17 Vendors sold to the inspecting minor.
- The compliance rate for the month was 93.20%

*Inspections where purchase attempts were made.

**Prevent the Sale
Website**
[Preventthesale.com/
Idaho](http://Preventthesale.com/Idaho)

Look for our new game, additional training and point-of-sale resources for retailers, and updated ID information!

IDAHO COMPLIANCE CHECKS

By Annette Ludington

Take Note!

All information in this newsletter is specific to the Idaho Tobacco Project inspections and Idaho state code and should not be confused with FDA inspections. Inspection procedures and laws with regard to FDA inspections are different. Review our newsletter archive at www.preventthesale.com or watch for information in future newsletters with regard to FDA inspections information.

Are You Compliance Check Ready?

Idaho law requires that at least one random compliance check take place per vendor per year plus additional checks based on the non-compliance rate for the previous year. The total number of inspections that the state law requires is equal to the number of permitted businesses multiplied by the percentage of the previous years' violations multiplied by ten. Sound complicated?

All you need to remember is that each vendor should expect to be inspected at least twice a year by Idaho's inspection teams no sooner than 30 days apart. If the business fails the inspection, the clerk is cited on the spot by state inspectors and the vendor is notified by mail of the violation. If the clerk refuses to sell tobacco to the minor, the minor leaves the establishment without further incident.

Remember that the violation takes place at the point of sale. In other words, the business will fail the inspection at the moment the tobacco is sold to the minor. The clerk or vendor is not allowed to try and retrieve the tobacco, confiscate the minor's ID, or detain the minor in any way. After the minor has left the establishment, the state inspector will identify himself/herself and issue the citation to the individual who sold to the minor.

Commit yourself to preventing the sale of tobacco to minors, and Idaho's tobacco compliance checks won't be an issue. Fewer non-compliance violations will reduce the number of state compliance checks next year, but most importantly, will reduce the number of Idaho kids who have access to tobacco. For more information on the Idaho Law and tobacco inspections, check out our website at www.preventthesale.com

Physical Barriers

Remember that cigarette products must be displayed behind a counter or in a location where customers do not have direct access to them. A physical barrier must exist between the customer and the tobacco products.

Customers are not allowed to handle tobacco products BEFORE purchasing; for example, the clerk cannot hand cigarettes to a customer prior to purchasing and have the customer carry them to a different cashier to pay.

Do you know the answers?

1. There are many different types of tobacco and tobacco products. Can you name six of them?
2. If you are caught selling tobacco to someone under age 18, how much will you be fined if you are the clerk who sold?
3. Can cigarettes be sold individually?
4. When do state tobacco inspections occur?
5. State law requires that tobacco product sales be vendor assisted. What does this mean?
6. Can open or partial packs of cigarettes be sold?
7. Can citizens (other shoppers) file a complaint about underage tobacco sales?
8. Are all Idaho tobacco permit holders required to train employees about the Idaho tobacco laws?
9. How many inspections of each tobacco permit holder are required per year?
10. According to state law, when someone approaches you to buy tobacco, what should you do?

For more information on the Idaho Law or to take a quiz on tobacco sales, go to www.preventthesale.com.

ANSWERS

1. Cigarettes, pipes, cigars, snuff, loose leaf tobacco, smokeless tobacco, E-cigs and juice, and tobacco papers.
2. Minimum of \$100.00.
3. No.
4. Randomly at any time.
5. Tobacco must be locked up or out of reach of ALL customers. This requires the customers to get assistance from the store clerks in order to purchase tobacco.
6. No.
7. Yes, the form used can be found at <https://www.accessdata.fda.gov/scripts/pvr/index.cfm>.
8. Yes. For training assistance go to www.preventthesale.com.
9. One as a minimum. More can occur randomly throughout the year in accordance with Idaho Code 39-5701.
10. Ask for photo ID to see how old they are.



Contact us: 208-334-0642

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ID Tobacco Project Website: healthandwelfare.idaho.gov
Select the "Families" tab and then "Substance Abuse"
On that page select the box titled "Idaho Tobacco Project"

What's inside?

- Take Note!
- Compliance Check Ready?
- Physical Barriers
- Do You Know the Answers?

PLEASE DISTRIBUTE TO EMPLOYEES