



A Newsletter for Idaho Tobacco Retailers Sponsored by Idaho Department of Health & Welfare

Contact us: 208-334-0642

ID Tobacco Project Website: healthandwelfare.idaho.gov

Select the "medical" menu and then "Idaho Tobacco Permits"

Volume 17, Issue 7
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Facts and Stats

"A-" average for June

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 **June 2017**:

- 170 Vendors were inspected.*
- 16 Vendors sold to the inspecting minor.
- The compliance rate for the month was 90.59%

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

Prevent the Sale Website,

A training resource provided to you by the Idaho Department of Health & Welfare.

Visit our website and get valuable retailer education and training support on all aspects of Idaho's "Prevention of Minors' Access to Tobacco" law!

Preventthesale.com/Idaho

Juggling Store Policies with State Law

By Cheryl Reed

When Confiscating a Minor's ID is Not O.K.

The Department of Health and Welfare (DHW) welcomes the partnership that comes when retailers have store policies that act as internal prevention processes designed to prevent minors' access to tobacco. These store policies show a real dedication to Idaho's youth and their health and safety.

For example, some retailers have internal policies with regard to confiscating a minor purchaser's identification (ID) card. If a minor customer attempts to purchase tobacco products, your store may have a policy that requires the clerk to hold the minor's ID card and even call the minor's parents.

However, be careful that store policies do not interfere with state or federal laws. Your retailer can have prevention policies, including confiscating the minor's customer's ID and calling parents, but when is confiscating the ID not o.k.? It is not o.k. to confiscate and refuse to return the ID if the minor customer turns out to be a state authorized minor inspector. To do so would interfere with the tobacco enforcement process established under Idaho Code Title 39, Chapter 57.

State minor inspectors are paid employees who conduct inspections with the full authority of the State of Idaho, and have immunity under the law, per Idaho Code 39-5703. You should also be aware that FDA minor inspectors are also protected by Federal law to conduct enforcement inspections, so the same applies to them.

So what should a clerk do if they are instructed by their store's policy to confiscate the ID of a minor customer and find out it was a minor inspector instead? In that case, the DHW asks that you return the minor's ID without delay or hesitation. The adult inspector accompanying the minor inspector will approach the clerk, identify themselves, and then request the ID be returned to their possession. A legitimate minor inspector WILL NOT ask for their ID back themselves. Instead, the request will be made by a credentialed adult inspector.

So don't forget that while confiscating a minor *CUSTOMER'S ID* might be store policy, you must not interfere with state or federal enforcement inspections and must return a minor *INSPECTOR'S ID* promptly when asked by a credentialed adult inspector (whether state or FDA).

FDA Age Calculator App

The FDA has created a smartphone app to help retailers quickly calculate and comply with federal age restrictions on selling tobacco. The app, called “FDA Age Calculator” can be downloaded from the Apple App Store or Google Play. You can either enter the calculations manually by entering the customer’s date of birth, or scan the ID using your phone. To scan the ID, simply select “Scan ID” from the app and point your phone camera to the back side of the ID card where the bar code is displayed. The app will quickly tell you if the customer is legally able to purchase tobacco products.

Source: <https://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/default.htm>

A “Heads Up” on New Regulations for Cigar Sales Coming Next Year

Young adults and minors may believe that cigars are a safe alternative to cigarettes, but they can actually deliver 10 times the nicotine, 2 times the tar, and 5 times more carbon monoxide than a filtered cigarette. The FDA rules for selling cigars are similar to those of cigarettes, but by next August (August of 2018) expect additional requirements when selling cigars.

Current cigar-selling rules are:

- Check photo ID of everyone under age 27 who attempts to purchase cigars
- Only sell cigars to customers age 18 and older
- Do not sell cigars in a vending machine unless in an adult-only facility
- Do not give away free samples of cigars, including any of their component parts.

Beginning next year, August 10, 2018, three additional rules will be added:

- Do not sell or distribute cigars without a health warning statement displayed on the package.
- Do not display advertisements for cigars without a health statement warning
- If you sell cigars individually, and not in a product package, you must post a sign with **six required warning statements** within 3 inches of each cash register. These warning statements are:
 - WARNING: Cigar smoking can cause cancers of the mouth and throat, even if you do not inhale.
 - WARNING: Cigar smoking can cause lung cancer and heart disease
 - WARNING: Cigars are not a safe alternative to cigarettes
 - WARNING: Tobacco smoke increases the risk of lung cancer and heart disease, even in nonsmokers
 - WARNING: Cigar use while pregnant can harm you and your babyOr
 - SURGEON GENERAL WARNING: Tobacco use increases the risk of infertility, stillbirth, and low birth weight
 - WARNING: This product contains nicotine. Nicotine is an addictive chemical.

This information, as well as more details, can be found on the FDA website at fda.gov.



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- New Cigar Rules Coming Next Year?

PLEASE DISTRIBUTE TO EMPLOYEES