

## WHAT VENDORS SHOULD EXPECT FROM TOBACCO INSPECTIONS

By Jill C. Urie

### Facts and Stats

#### “B+” Average for February

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. For February, 2004:

- ❖ 151 Vendors were inspected.\*
- ❖ 18 Vendors sold to the inspecting minor.
- ❖ The compliance rate for the month of February 2004 was 88.08%.

\*Inspections where purchase attempts were made.

### Prevent the Sale

Go to:

[www.preventthesale.com/idaho](http://www.preventthesale.com/idaho)

- Learn about the law
- Take the tobacco quiz
- See what the ID's look like
- Play the Game "Would You Sell to This Person?"

This year, each Idaho tobacco vendors will be inspected at least twice. This inspection requirement is based upon the Idaho tobacco inspection laws found in Idaho Code 39-5710. This law requires at least one random inspection for each business, as well as, additional unannounced inspections based on the non-compliance rate of the previous year. The total number of inspections that the law requires is equal to the number of permitted businesses multiplied by the percentage of the previous years violations multiplied by ten. Inspection teams will be completing approximately 2547 inspections this year. Each vendor should expect to be inspected at least twice no sooner than 30 days apart.

To better understand what to expect from this years inspections, below is an overview of the inspection procedures and policies as well as an introduction to your Inspection Team.

### The Inspection Team

The Inspection Team is made up of an adult inspector, an inspecting minor and an adult chaperone. Each member of the team is required to complete a comprehensive training program.

### The Inspector

The inspector's job is to oversee all

inspections and lead the inspection team. The inspectors are always present and observe the inspecting minors during the purchase attempt. If a business successfully completes an inspection by refusing the sale, the inspector reports that success to the Idaho Department of Health and Welfare (IDHW) and a congratulatory letter is sent to the business. If the vendor successfully passes the inspection by not having self-service or open packages, the inspector is not required to identify or introduce himself/herself to the clerk, manager, or business owner. The business may not even know that an inspection took place until the congratulatory letter is received.

If, however, the business fails the inspection, it is the inspector's job to issue a citation to the clerk on the spot, and to notify the business owner by mail. The inspector is required to appropriately identify himself/herself to the clerk being issued the citation, and has official IDHW identification with them during all inspections. The inspector is not required to introduce himself to the manager or business owner at the time a citation is being issued. They can choose to do so depending on varying circumstances (e.g., the manager/owner may be unavailable or not at the business, etc). The business will, however, always receive a letter notifying them that an inspection was completed and that the clerk was cited for selling tobacco to the inspecting minor.

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## What to Expect from Tobacco Inspections! *continued*

Our inspectors take no joy from issuing citations. They hope that each business will successfully refuse the sale to the minor. However, the inspectors are bound by the law to issue citations for failed inspections and are required to report the failings to IDHW. By law, the inspector cannot issue warnings and must issue citations to the violator each time a sale occurs.

### The Inspecting Minor

Our inspecting minors are all under the age of 18 and participate in these inspections to assist the fight against teen smoking. The inspecting minor sincerely hopes that each tobacco vendor and their employees will successfully refuse the sale.

Our teens are trained to NEVER lie or use any trickery when attempting to purchase. For example, the minors will not lie about their age, if questioned, and will show their valid Idaho state ID when it is requested by the clerk. The minors never present fake, altered or borrowed ID's.

If the clerk refuses to sell to the minor, the minor leaves the business without further incident. If, however, the clerk sells the tobacco to the minor, the minor is to buy the tobacco and take it to the adult inspector for processing. The tobacco products purchased will not be returned to the business.

It is important to note that the violation occurs at the point of sale. That means that the business fails the inspection upon sale of the tobacco to the minor. The clerk or vendor is not allowed, by law, to attempt to retrieve the tobacco product sold to the minor, confiscate the inspecting minors ID, or in any way detain or prevent the inspecting minor from leaving the business after the sale. At the time of sale, the teen leaves the business and will not return during the citation process. After the sale and after the teen has left the business, the inspector will then identify himself/herself and issue the citation.

### The Adult Chaperone

The third member of the inspection team, the adult chaperone, ensures the safety of the teens while they initiate and complete inspections and assists the adult inspectors as needed. They typically play no direct role in the inspection process.

### You know what to expect – Now what!

**S**ince tobacco inspections are an inevitable part of being a tobacco vendor, you and your employees should take an active role as part of our team. Commit your business to preventing the sale. This commitment will reduce the number of fines and citations issued, will reduce the number of total inspections conducted across the state, and most importantly, will help Idaho's children stay tobacco free.

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### WHAT'S INSIDE!

- ◆ Tobacco Inspections
- ◆ Factoids and Statistics
- ◆ Prevent the Sale Website

◆ PLEASE DISTRIBUTE TO EMPLOYEES