

New Tobacco Legislation Protects Consumers

By Cheryl Dudley

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 2009

- ❖ 93 Vendors were inspected.*
- ❖ 5 Vendors sold to the inspecting minor.
- ❖ The compliance rate for the month of June 2009 was 94.62%

*Inspections where purchase attempts were made.

Prevent the Sale Web site

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?"

Tools for Refusing the Sale of Tobacco

When refusing a sale, your tone of voice, body language and word choice can either start or prevent a confrontation with a customer. If you feel uncomfortable refusing the sale, try following these guidelines:

- Remain calm.
- If the product is on the counter, remove it – it is against Idaho Code to have tobacco products within reach of customers.
- Be polite. Apologize. Maintain a customer service attitude.
- Remember that refusing a sale is not your choice; it is the law.

Using the right words can help defuse a difficult situation. Try using the following statements:

- "I'm sorry. It's against the law."
- "I can be fined and even lose my job."
- "Is there anything else I can get you?"
- "I'd be happy to hold this for you while you go get your ID."

Confrontational customers may be a challenging part of your job, but you have the responsibility to refuse underage sales. Don't let an abusive customer discourage you from carding in the future.

If you have reason to believe that an adult customer is buying tobacco for a minor, the responsible thing to do is refuse the sale. If you suspect that this is happening, be polite and informative and explain that you and the customer could get into a lot of trouble if you make the sale. Remember retailers are not obligated to sell tobacco or any product to a customer, no matter what their age. Therefore, you are within your rights to refuse a sale to anyone if you choose to or suspect an adult is purchasing for a minor.

Occasionally a parent may send their child to purchase tobacco products for them. Some minors even present a note from the parent saying it's okay to make the sale. But state laws are clear on this subject. Under no circumstance are you permitted to sell tobacco to a minor. If you encounter this situation

explain that it's against the law for you to sell tobacco products to minors. Remember to be polite. The words and tone you use will most likely be repeated to the parent.

Sometimes underage friends will try to purchase tobacco products while you are working. It's important that you refuse these sales. If you encounter this situation, you should tell your friends that you can be fined or lose your job. If you need to, refer to your store's video cameras or to your supervisor's presence as a deterrent.

Be Ready for Compliance Checks!

The law requires that at least one random compliance check take place per vendor per year in the state of Idaho plus additional checks based on the non-compliance rate for 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. Sound complicated?

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

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 inspector will identify himself/herself and issue the citation.

It is important to commit your business to preventing the sale of tobacco to minors. Compliance checks are an inevitable part of selling tobacco. Fewer non-compliance violations will reduce the number of compliance checks next year. But most importantly, it will reduce the number of Idaho kids who have access to

What is Nicotine?

Nicotine is the tobacco plant's natural protection from being eaten by insects. It is a super toxin far more lethal than strychnine or diamondback rattlesnake poison or arsenic. Yet this natural insecticide's chemical structure is so similar to the human brain's neurotransmitter acetylcholine that once inside the brain it controls the flow of more than 200 neurochemicals.

Within eight seconds of that first inhaled puff, nicotine arrives at the brain's reward pathways where it generates an unearned flood of dopamine, resulting in an immediate yet possibly unrecognized "aaahhh" reward sensation. Nicotine also unlocks the gates releasing a host of neurochemicals that impact moods.

President Obama Talks about New Kids Tobacco Legislation (6/12/2009)

"I just wanted to give a quick statement about the kids tobacco legislation that passed the Senate yesterday.

"This bill has obviously been a long time coming. We've known for years, even decades, about the harmful, addictive, and often deadly effects of tobacco products. Each year Americans pay nearly \$100 billion in added health care costs due to smoking. Each day about a thousand young people under the age of 18 become regular smokers.

"For over a decade, leaders of both parties have fought to prevent tobacco companies from marketing their products to children, and provide the public with the information they need to understand what a dangerous habit this is. And after a decade of opposition, all of us are finally about to achieve the victory with this bill, a bill that truly defines change in Washington.

"I'm proud that the House and the Senate have acted swiftly and in an overwhelmingly bipartisan fashion to pass this legislation that will protect our kids and improve our public health.

What is it?

The Kids Tobacco Legislation grants the U.S. Food and Drug Administration (FDA) the authority to regulate tobacco products. This legislation will:

- Crack down on tobacco marketing and sales to kids.
- Require larger, more effective health warnings on tobacco products.
- Require tobacco companies to disclose the contents of tobacco products, as well as changes in products and research about their health effects.
- Ban terms such as "light" and "low-tar" that mislead consumers into believing that certain cigarettes are safer.
- Strictly regulate all health-related claims about tobacco products to ensure they are scientifically proven and do not discourage current tobacco users from quitting or encourage new users to start.
- Empower the FDA authority to require changes in tobacco products, such as the removal or reduction of harmful ingredients.

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