

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 341

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO TOBACCO; AMENDING SECTION 39-5704, IDAHO CODE, TO ESTABLISH A
2 CERTAIN FEE; AND AMENDING SECTION 39-5711, IDAHO CODE, TO REVISE PROVI-
3 SIONS REGARDING THE PREVENTION OF MINORS' ACCESS TO TOBACCO FUND.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 39-5704, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 39-5704. PERMITTING OF TOBACCO PRODUCT RETAILERS. (1) It shall be un-
9 lawful to sell or distribute or offer tobacco products for sale or distri-
10 bution at retail or to possess tobacco products with the intention of sell-
11 ing at retail without having first obtained a tobacco permit from the depart-
12 ment which shall be the only retail tobacco permit or license required. Pro-
13 vided however, this section shall not be deemed to require a wholesaler or
14 manufacturer's representative or their employees who, in the course of their
15 employment, stock shelves and replenish tobacco products at a permittee's
16 place of business to obtain a permit.

17 (2) The department shall administer the permitting of tobacco product
18 retailers and shall be authorized to ensure compliance with this chapter.
19 The department may promulgate rules in compliance with chapter 52, title 67,
20 Idaho Code, regarding permitting of tobacco product retailers, inspections,
21 and compliance checks, effective training and employment practices under
22 this chapter.

23 (3) Permits shall be issued annually for ~~no charge~~ one hundred dollars
24 (\$100) for each business location to ensure compliance with the requirements
25 of this chapter. A copy of this chapter, rules adopted by the department,
26 appropriate signage required by this chapter and any materials deemed nec-
27 essary shall be provided with each permit issued. All moneys collected for
28 permit fees pursuant to this section shall be remitted to the prevention of
29 minors' access to tobacco fund created by section 39-5711, Idaho Code.

30 (4) A separate permit must be obtained for each place of business and is
31 nontransferable to another person, business or location.

32 (5) Permittees may display the permit in a prominent location.

33 (6) A permittee may display a sign in each location within a place
34 of business where tobacco products are sold or distributed. A sign may be
35 clearly visible to the customer and the seller and shall state: "STATE LAW
36 PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF EIGHTEEN
37 (18) YEARS. PROOF OF AGE REQUIRED. ANYONE WHO SELLS OR DISTRIBUTES TOBACCO TO
38 A MINOR IS SUBJECT TO STRICT FINES AND PENALTIES. MINORS ARE SUBJECT TO FINES
39 AND PENALTIES."

40 (7) Permittees are responsible to educate employees as to the require-
41 ments of this chapter.

1 (8) It shall be unlawful for the permittee to allow employees who are
2 minors to sell or distribute tobacco. Exception: Employees who are minors
3 may possess but not sell or distribute tobacco products in the course of em-
4 ployment, for such duties as stocking shelves or carrying purchases to cus-
5 tomers' vehicles.

6 SECTION 2. That Section 39-5711, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 39-5711. FUNDING AND CREATION OF PREVENTION OF MINORS' ACCESS TO TO-
9 BACCO FUND. There is hereby created the prevention of minors' access to to-
10 bacco fund in the state treasury. Moneys in the fund shall be used to fund the
11 administration, inspections and enforcement of this chapter. Moneys in the
12 fund may be expended only pursuant to appropriation. The fund shall consist
13 of:

14 (1) The current federal funds that are available for inspections or for
15 the prevention of minor's access to tobacco shall be utilized by the depart-
16 ment;

17 (2) The fees from the issuance of tobacco retailer permits pursuant to
18 section 39-5704, Idaho Code;

19 (3) The fines from the civil penalties pursuant to section 39-5708,
20 Idaho Code; and

21 ~~(34)~~ Moneys from any other source.