

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 498

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO ELECTRONIC CIGARETTES; AMENDING SECTION 39-5704, IDAHO CODE, TO  
2 REQUIRE A CERTAIN PERMIT TO SELL OR DISTRIBUTE ELECTRONIC CIGARETTES,  
3 TO REVISE TERMINOLOGY, TO REVISE PROVISIONS REGARDING A SIGN THAT MUST  
4 BE DISPLAYED BY PERMITTEES AND TO PROHIBIT SALE OR DISTRIBUTION OF ELEC-  
5 TRONIC CIGARETTES BY CERTAIN EMPLOYEES.  
6

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

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

10 39-5704. PERMITTING OF TOBACCO PRODUCT OR ELECTRONIC CIGARETTE RE-  
11 TAILERS. (1) It shall be unlawful to sell or distribute or offer tobacco  
12 products or electronic cigarettes for sale or distribution at retail or to  
13 possess tobacco products or electronic cigarettes with the intention of  
14 selling at retail without having first obtained a tobacco permit from the de-  
15 partment which shall be the only retail tobacco permit or license required.  
16 Provided however, this section shall not be deemed to require a wholesaler or  
17 manufacturer's representative or their employees who, in the course of their  
18 employment, stock shelves and replenish tobacco products or electronic cig-  
19 arettes at a permittee's place of business to obtain a permit.

20 (2) The department shall administer the permitting of ~~tobacco product~~  
21 retailers pursuant to subsection (1) of this section and shall be authorized  
22 to ensure compliance with this chapter. The department may promulgate rules  
23 in compliance with chapter 52, title 67, Idaho Code, regarding permitting  
24 of ~~tobacco product~~ retailers, inspections, and compliance checks, effective  
25 training and employment practices under this chapter.

26 (3) Permits shall be issued annually for no charge for each business lo-  
27 cation to ensure compliance with the requirements of this chapter. A copy  
28 of this chapter, rules adopted by the department, appropriate signage re-  
29 quired by this chapter and any materials deemed necessary shall be provided  
30 with each permit issued.

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

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

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

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

3           (8) It shall be unlawful for the permittee to allow employees who are  
4           minors to sell or distribute tobacco or electronic cigarettes. Exception:  
5           Employees who are minors may possess but not sell or distribute tobacco prod-  
6           ucts or electronic cigarettes in the course of employment, for such duties as  
7           stocking shelves or carrying purchases to customers' vehicles.