

Idaho

Smoking Restrictions

Overall Summary of Smoking Restrictions

Smoking is prohibited in most public places, publicly-owned buildings or offices or at public meetings. Major exceptions include stand-alone bars and smoking rooms in small workplaces, see below.

IDAHO CODE §§ 39-5501 et seq. (2007).

Exceptions to the Law

Exceptions to the law include: 1) bars as defined; 2) retail tobacco stores as defined; 3) buildings owned and operated by social, fraternal, or religious organizations when used by the membership of the organization, their guests or families, or any facility that is rented or leased for private functions from which the public is excluded and for which arrangements are under the control of the sponsor of the function; 4) hotel and motel rooms designated as smoking rooms; 5) theatrical production sites, if smoking is an integral part of the story in the theatrical production; 6) certain areas of owner-operated businesses; 7) any office or business, other than child care facilities, located within the proprietor's private home as specified; 8) Idaho state veterans homes in designated areas, provided that physical barriers and ventilation systems are used to reduce smoke in adjacent nonsmoking areas; and 9) designated employee break rooms established by a small business owner employing five or fewer employees subject to certain conditions.

IDAHO CODE §§ 39-5501 et seq. (2007).

Stronger Local Laws on Smoking

Stronger local laws/ordinances on smoking are specifically allowed, see below.

Nothing in this chapter shall be interpreted to prevent local, county or municipal governments from adopting ordinances or regulations more restrictive than the provisions contained herein.

IDAHO CODE §§ 39-5501 et seq. (2007).

Government Buildings

Smoking is prohibited in any publicly-owned buildings or offices. These are defined as any enclosed indoor place or portion of a place owned, leased or rented by any state, county or municipal government, or by any agency supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, municipal or county taxes.

IDAHO CODE §§ 39-5501 et seq. (2007).

By Executive Order, smoking is prohibited in all state-owned or state-leased buildings, facilities, or areas occupied by state

employees except for custodial care and full-time residential facilities. Policies governing smoking in custodial care and full-time residential facilities may be determined by the directors of such facilities.

Exec. Order 2005-10 (2005).

Private Workplaces

Smoking is prohibited in many private workplaces. However, small businesses with five or fewer employees can establish designated employee break rooms as long as the following conditions regarding break rooms are met: 1) it is not accessible to minors; 2) it is separated from other parts of the building by a floor to ceiling partition; 3) it is not the sole means of entrance or exit to the establishment or its restrooms and is located in an area where no employee is required to enter as part of the employee's work responsibilities; the term 'work responsibilities' does not include custodial or maintenance work performed in a break-room when it is unoccupied; and 4) 'Warning: Smoking Permitted' signs are prominently posted in the smoking break-room and properly maintained by the employer. Smoking is also allowed in areas of owner-operated businesses with no employees other than the owner-operator, that are not commonly open to the public, and any office or business, other than child care facilities, located within the proprietor's private home when all such offices and/or businesses occupy less than 50 percent of the total area within the private home. Nothing in this section shall prohibit an employer from prohibiting smoking in an enclosed place of employment.

IDAHO CODE §§ 39-5501 et seq. (2007).

Schools

Smoking is prohibited in public or private elementary or secondary school buildings and educational facilities and within 20 feet of entrances and exits of such buildings or facilities.

IDAHO CODE §§ 39-5501 et seq. (2007).

Child Care Facilities

Smoking is prohibited in any child care facility subject to licensure under the laws of Idaho, including those operated in private homes, when any child cared for under that license is present.

IDAHO CODE §§ 39-5501 et seq. (2007).

Health Care Facilities

Smoking is prohibited in hospitals and within 20 feet of public entrances and exits to such facilities. Smoking is also prohibited in the common areas of nursing homes.

IDAHO CODE §§ 39-5501 et seq. (2007).

Restaurants

Smoking is prohibited in restaurants. Restaurant is defined as an eating establishment including, but not limited to, coffee

shops, cafes, cafeterias, and private and public school cafeterias, which give or offer for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term restaurant shall include a bar area within a restaurant.

IDAHO CODE §§ 39-5501 et seq. (2007).

Bars

Smoking is allowed in bars. Bar is defined as any indoor area open to the public operated primarily for the sale and service of alcoholic beverages for on-premises consumption and where: the service of food is incidental to the consumption of such beverages, or no person under the age of 21 years is permitted except employees, musicians and singers, and all public entrances are clearly posted with signs warning patrons that it is a smoking facility and that persons under 21 years of age are not permitted. The term bar does not include any area within a restaurant.

IDAHO CODE §§ 39-5501 et seq. (2007).

Penalties/Enforcement

Any employer or other person in charge of a public place or publicly-owned building or office who knowingly or intentionally permits the smoking of tobacco products is subject to a fine not to exceed \$100. An employer, or other person in charge of a public place or publicly-owned building, or the agent or employee of such person, who observes a person smoking in apparent violation shall ask the person to extinguish all lighted tobacco products. If the person persists in violating, the employer, person in charge, agent or employee shall ask the person to leave the premises. Any person who refuses to either extinguish all lighted tobacco products or leave the premises is guilty of an infraction and is subject to a fine of \$17.50. Any violation may be reported to a law enforcement officer.

IDAHO CODE §§ 39-5506 (2004) & 39-5507 (2016).

Tobacco Taxes

Tax on Cigarettes

Tax rate per pack of 20: 57 cents

Date last changed: June 1, 2003 -- from 28 cents to 57 cents

Year first enacted: 1945

IDAHO CODE § 63-2506 (2003).

Use of Cigarette Tax Revenue - Summary

Revenue from the state cigarette tax is distributed to several specific purposes, most of them not health-related, see below. A small amount of money from the Cancer Control Fund is used for tobacco prevention and cessation programs.

IDAHO CODE §§ 63-2506 & 63-2520 (2005).

Use of Cigarette Tax Revenue - Detailed Information

Revenues from the cigarette tax are distributed as follows: 5.1746 cents to the public school income fund to provide substance abuse programs in the state public schools, and 5.1746 cents to the Department of Juvenile Corrections for county juvenile probation services. After that an unspecified amount is distributed to the state refund account sufficient to pay current refund claims. Then 17.3 percent of the balance is distributed to a permanent building fund, 0.4 percent is distributed to the central tumor registry account, 1 percent is distributed to the cancer control account, an amount equal to the annual general fund appropriation for bond levy equalization pursuant to section 33-906 Idaho Code is distributed annually to the state general fund, and all remaining monies go to a permanent building fund to be used to repair, remodel and restore the state capitol building. Once that project has been certified as completed, remaining monies go to an economic recovery reserve fund.

IDAHO CODE §§ 63-2506 & 63-2520 (2005).

Taxes on Other Tobacco Products

All other tobacco products: 40% of the wholesale sales price.

IDAHO CODE §§ 63-2552 (1972) & 63-2552a (1994).

Use of Other Tobacco Products Tax Revenue - Summary

Revenue from the tax on tobacco products other than cigarettes goes to the state general fund, substance abuse programs in public schools and county juvenile probation services.

IDAHO CODE §§ 63-2552a (1994) & 63-2564 (1972).

Use of Other Tobacco Products Tax Revenue - Detailed Information

- 1) The revenue from the other tobacco products tax imposed by Idaho Code section 63-2552 is distributed as follows: an unspecified amount to the state refund account sufficient to pay current refund claims and the balance is distributed to the general fund;
- 2) The revenue from the other tobacco products tax imposed by Idaho Code section 63-2552a is distributed as follows: 50 percent to the public school income fund to pay for substance abuse programs in the public schools and 50 percent to the Department of Juvenile Corrections for county juvenile probation services.

IDAHO CODE §§ 63-2552a (1994) & 63-2564 (1972).

Revenue Collected from Cigarette Taxes

Revenue collected in Fiscal Year 2012 (July 1, 2011 to June 30, 2012): \$37,996,000

Tobacco Control Program Funding

Source of funding