

# IDAHO ADMINISTRATIVE BULLETIN

## Table of Contents

March 3, 1999

Volume 99-3

<b>TABLE OF CONTENTS</b> .....	1
<b>PREFACE</b> .....	3
<b><u>IDAPA 13 - IDAHO FISH AND GAME COMMISSION</u></b>	
<b>13.01.08 - RULES GOVERNING THE TAKING OF BIG ANIMALS IN THE STATE OF IDAHO</b> Docket No. <b>13-0108-9901</b> Notice of Proclamation of Rulemaking - Season Promulgation .....	10
<b>13.01.11 - RULES GOVERNING FISH</b> Docket No. <b>13-0111-9901</b> Notice of Proclamation of Rulemaking - Season Promulgation .....	11
<b><u>IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE</u></b>	
<b>16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO</b> Docket No. <b>16-0101-9802</b> Notice of Extension of Comment Period.....	12
<b>16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE</b> Docket No. <b>16-0309-9806</b> Notice of Pending Rule .....	13
<b>16.03.11 - RULES GOVERNING INTERMEDIATE CARE FACILITIES         FOR THE MENTALLY RETARDED (ICF/MR)</b> Docket No. <b>16-0311-9601</b> Notice of Vacation of Rulemaking.....	14
<b>16.04.13 - RULES GOVERNING THE EMERGENCY FOOD ASSISTANCE PROGRAM</b> Docket No. <b>16-0413-9801</b> Notice of Pending Rule .....	15
<b>16.06.08 - RULES AND MINIMUM STANDARDS FOR DUI EVALUATORS</b> Docket No. <b>16-0608-9901</b> Notice of Negotiated Rulemaking .....	16
<b>16.06.14 - RULES GOVERNING THE PREVENTION OF MINORS'         ACCESS TO TOBACCO PRODUCTS</b> Docket No. <b>16-0614-9801</b> Notice of Pending Rule and Amendment to Temporary Rule .....	17

**SUBJECTS AFFECTED INDEX** .....24

**BULLETIN SUMMARY OF PROPOSED RULE-MAKING** .....25

**CUMULATIVE RULE-MAKING INDEX OF ADMINISTRATIVE RULES**.....26

**SUBJECT INDEX**.....117

# Preface

*The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rule-making documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.*

*State agencies are required to provide public notice of rule-making activity and invite public input. The public receives notice of a rule-making activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rule-making activities.*

## **CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN**

*The Bulletin is cited by year and issue number. For example, Bulletin 98-1 refers to the first Bulletin issued in calendar year 1998, Bulletin 99-1 refers to the first Bulletin issued in calendar year 1999, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 1999 is cited as Volume 99-1. The December 1998 Bulletin is cited as Volume 98-12.*

## **RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE**

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are **not** printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rule-Making**, printed in each Bulletin.*

## **TYPES OF RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN**

*The state of Idaho administrative rule-making process comprises five distinct activities; Proposed, Negotiated, Temporary, Pending, and Final rule-making. In the majority of cases, the process begins with proposed rule-making and ends with final rule-making. The following is a brief explanation of each type of administrative rule.*

### **NEGOTIATED RULE**

*Negotiated rule-making is a process in which all interested parties and the agency seek a consensus on the content of the rule. Agencies are encouraged to proceed through this informal rule-making whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the rule-making to the temporary and/or proposed rule stage.*

### **PROPOSED RULE**

*A proposed rule-making is an action by an agency in which the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a notice of proposed rule-making in the Bulletin. The notice of proposed rule-making must include:*

- a) the specific statutory authority for the rule-making including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rule-making;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

*As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rule-making criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rule-making if it decides not to proceed further with the promulgation process.*

### **TEMPORARY RULE**

*Temporary rules may be adopted only when the governor finds that it is necessary for:*

- a) the protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit.*

*If a rule-making meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule.*

*A temporary rule expires at the conclusion of the next succeeding regular session of the legislature unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.*

*In cases where the text of the temporary rule is the same as that of the proposed rule, the rule-making can be done concurrently as a temporary/proposed rule. State law requires that the text of a proposed or temporary rule be published in the Administrative Bulletin. Combining the rule-making allows for a single publication of the text.*

*An agency may rescind a temporary rule that has been adopted and is in effect if the rule is being replaced by a new temporary rule or has been published concurrently with a proposed rule-making that is being vacated.*

### **PENDING RULE**

*A pending rule is a rule that has been adopted by an agency under the regular rule-making process and*

remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the Notice of Pending Rule. This includes:

- a) the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective; and
- d) an identification of any portion of the rule imposing or increasing a fee or charge.

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the Notice of Pending Rule is published.

### **FINAL RULE**

A final rule is a rule that has been adopted by an agency under the regular rule-making process and is in effect.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that the agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution will be adopted rejecting, amending, or modifying the rule or any part thereof. A Notice of Final Rule must be published in the Idaho Administrative Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended, or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule which is final and effective may be applied retroactively, as provided in the rule.

### **AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, Ricks College Library, and Northwest Nazarene College Library.

### **SUBSCRIPTIONS AND DISTRIBUTION**

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0004, telephone

(208) 332-1820.

*The Administrative Bulletin* is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

*The Administrative Code*, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

*Individual Rule Chapters and Individual Rule-Making Dockets*, are specific portions of the Bulletin and Administrative Code produced on demand.

*Internet Access* - The Administrative Code and Administrative Bulletin are available on the Internet at the following address:

<http://www.state.id.us/> - from Idaho Home Page select the Administrative Rules link.

**EDITOR'S NOTE:** All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 332-1820.

## **HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN**

Rule-making documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the "IDAPA" number. (The "IDAPA" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

### **IDAPA 38.05.01.060.02.c.ii.**

"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Subsection 060.02.c.

"ii." refers to Subsection 060.02.c.ii.

---

## DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rule-making actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-9901). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

### "DOCKET NO. 38-0501-9901"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), "Rules of the Division of Purchasing" (Chapter 01).

"9901" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rule-making action of the chapter published in calendar year 1999.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

**"(BREAK IN CONTINUITY OF SECTIONS)"**

## INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

**"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."**

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

**"...in accordance with IDAPA 38.05.01.201."**

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

**"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"**

## BULLETIN PUBLICATION SCHEDULE FOR 1999

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
99-1	January, 1999	November 18, 1998	January 6, 1999
99-2	February, 1999	December 23, 1998	February 3, 1999
99-3	March, 1999	January 20, 1999	March 3, 1999
99-4	April, 1999	February 24, 1999	April 7, 1999
99-5	May, 1999	March 24, 1999	May 5, 1999
99-6	June, 1999	April 21, 1999	June 2, 1999
99-7	July, 1999	May 26, 1999	July 7, 1999
99-8	August, 1999	June 23, 1999	August 4, 1999
99-9	September, 1999	July 21, 1999	September 1, 1999
99-10	October, 1999	August 25, 1999	October 6, 1999
99-11	November, 1999	September 22, 1999	November 3, 1999
99-12	December, 1999	October 20, 1999	December 1, 1999

## BULLETIN PUBLICATION SCHEDULE FOR 2000

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
00-1	January, 2000	November 17, 1999	January 5, 2000
00-2	February, 2000	December 22, 1999	February 2, 2000
00-3	March, 2000	January 19, 2000	March 1, 2000
00-4	April, 2000	February 23, 2000	April 5, 2000
00-5	May, 2000	March 22, 2000	May 3, 2000
00-6	June, 2000	April 19, 2000	June 7, 2000
00-7	July, 2000	May 24, 2000	July 5, 2000
00-8	August, 2000	June 21, 2000	August 2, 2000
00-9	September, 2000	July 19, 2000	September 6, 2000
00-10	October, 2000	August 22, 2000	October 4, 2000
00-11	November, 2000	September 20, 2000	November 1, 2000
00-12	December, 2000	October 25, 2000	December 6, 2000



## ALPHABETICAL INDEX OF AGENCY IDAPA AND ADMINISTRATIVE CODE VOLUME NUMBERS

<b>IDAPA</b>	<b>AGENCY</b>
01	Accountancy, Board of - Administrative Code Volume 1
38	Administration, Department of - Administrative Code Volume 8
02	Agriculture, Idaho Department of - Administrative Code Volume 1
40	Arts, Idaho Commission on the - Administrative Code Volume 8
03	Athletic Commission - Administrative Code Volume 1
04	Attorney General, Office of the - Administrative Code Volume 1
53	Barley Commission, Idaho - Administrative Code Volume 8
51	Beef Council, Idaho - Administrative Code Volume 8
07	Building Safety, Division of - Administrative Code Volume 2
43	Canola and Rapeseed Commission, Idaho - Administrative Code Volume 8
48	Commerce, Idaho Department of - Administrative Code Volume 8
44	Controller, Office of the State - Administrative Code Volume 8
19	Dentistry, Board of - Administrative Code Volume 6
08	Education, Board of - Administrative Code Volume 1
12	Finance, Department of - Administrative Code Volume 2
13	Fish and Game, Department of - Administrative Code Volume 2
14	Geologists, Professional, Board of Registration, - Administrative Code Volume 2
15	Governor, Office of the - Administrative Code Volume 2
16	Health and Welfare, Department of - Administrative Code Volumes 3, 4, 5
45	Human Rights Commission - Administrative Code Volume 8
17	Industrial Commission - Administrative Code Volume 5
18	Insurance, Department of - Administrative Code Volume 6
05	Juvenile Corrections, Department of - Administrative Code Volume 1
09	Labor, Idaho Department of - Administrative Code Volume 2
20	Lands, Department of - Administrative Code Volume 6
11	Law Enforcement, Department of - Administrative Code Volume 2
30	Library, Idaho State - Administrative Code Volume 7
52	Lottery Commission, Idaho State - Administrative Code Volume 8
22	Medicine, Board of - Administrative Code Volume 6
23	Nursing, Board of - Administrative Code Volume 6
24	Occupational Licenses, Board of - Administrative Code Volume 6
25	Outfitters and Guides Licensing Board - Administrative Code Volume 7
50	Pardons and Parole, Commission for - Administrative Code Volume 8
26	Parks and Recreation, Department of - Administrative Code Volume 7
59	PERSI - Public Employees Retirement System of Idaho - Administrative Code Vol. 8
28	Personnel Commission - Administrative Code Volume 7
27	Pharmacy, Board of - Administrative Code Volume 7
29	Potato Commission, Idaho - Administrative Code Volume 7
10	Professional Engineers & Land Surveyors, Board of - Administrative Code Volume 2
32	Public Works Contractors State Licenses Board - Administrative Code Volume 7
31	Public Utilities Commission - Administrative Code Volume 7
41	Public Health Districts - Administrative Code Volume 8
33	Real Estate Commission - Administrative Code Volume 7
34	Secretary of State - Administrative Code Volume 7
49	Shorthand Reporters, Board of Certified, - Administrative Code Volume 8
36	Tax Appeals, Idaho Board of - Administrative Code Volume 8
35	Tax Commission, State - Administrative Code Volume 7
39	Transportation, Department of - Administrative Code Volume 8
54	Treasurer, Office of the State - Administrative Code Volume 8
46	Veterinary Medical Examiners, Board of - Administrative Code Volume 8
55	Vocational Education, Division of - Administrative Code Volume 8
47	Vocational Rehabilitation, Division of - Administrative Code Volume 8
37	Water Resources, Department of - Administrative Code Volumes 8
42	Wheat Commission, Idaho - Administrative Code Volume 8

**IDAPA 13 - IDAHO FISH AND GAME COMMISSION**  
**13.01.08 - RULES GOVERNING THE TAKING OF BIG ANIMALS IN THE STATE OF IDAHO**  
**DOCKET NO. 13-0108-9901**

**NOTICE OF PROCLAMATION OF RULEMAKING**  
**- SEASON PROMULGATION**

**AUTHORITY:** In compliance with Section 36-105(1), Idaho Code, notice is hereby given that this agency has scheduled a public hearing and meeting concerning setting 1999 hunting seasons for deer, elk, antelope, bear, and mountain lion.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this proclamation will be held as follows:

A public hearing will be held at the following time and location followed by an open house:

**March 3, 1999, 7:30 p.m. to 9 p.m.**  
**Quality Inn**  
**850 Lindsay Boulevard**  
**Idaho Falls, ID 83401**

Meetings will also be held on:

**March 4 and 5, 1999, 8 a.m.**  
**Quality Inn**  
**850 Lindsay Boulevard**  
**Idaho Falls, ID 83401**

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at 208-334-5159 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed proclamation, contact John Beecham at 208-334-2920.

Anyone may submit written comments regarding this rulemaking proclamation and season promulgation. All written comments must be directed to the undersigned and must be delivered on or before March 24, 1999.

DATED this 9th day of February 1999.

W. Dallas Burkhalter  
Idaho Department of Fish and Game  
PO Box 25  
600 South Walnut  
Boise, ID 83707  
208-334-3715/FAX 208-334-2148

**IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

**13.01.11 - RULES GOVERNING FISH**

**DOCKET NO. 13-0111-9901**

**NOTICE OF PROCLAMATION OF RULEMAKING  
- SEASON PROMULGATION**

**AUTHORITY:** In compliance with Section 36-105(1), Idaho Code, notice is hereby given that this agency has scheduled a public hearing and meeting concerning setting 1999 trout fishing season on the South Fork of the Snake River.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this proclamation will be held as follows:

A public hearing will be held at the following time and location followed by an open house:

**March 3, 1999, 7:30 p.m. to 9 p.m.**  
**Quality Inn**  
**850 Lindsay Boulevard**  
**Idaho Falls, ID 83401**

Meetings will also be held on:

**March 4 and 5, 1999, 8 a.m.**  
**Quality Inn**  
**850 Lindsay Boulevard**  
**Idaho Falls, ID 83401**

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at 208-334-5159 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed proclamation, contact Bill Hutchison at 208-334-3791.

Anyone may submit written comments regarding this rulemaking proclamation and season promulgation. All written comments must be directed to the undersigned and must be delivered on or before March 24, 1999.

DATED this 9th day of February 1999.

W. Dallas Burkhalter  
Idaho Department of Fish and Game  
PO Box 25  
600 South Walnut  
Boise, ID 83707  
208-334-3715/FAX 208-334-2148

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**  
**DOCKET NO. 16-0101-9802**

**NOTICE OF EXTENSION OF COMMENT PERIOD**

**AUTHORITY:** In compliance with Section 67-5222, Idaho Code, notice is hereby given that this agency has extended the period for public comment. This rulemaking is authorized by Sections 39-105 and 39-107, Idaho Code. In addition, this rulemaking is required under 40 CFR Part 51, "Requirements for Adoption and Submittal of Implementation Plans".

**DESCRIPTIVE SUMMARY:** The proposed rule was published in the Idaho Administrative Bulletin, Volume 99-1, January 6, 1999, pages 77 through 179 with a comment deadline of February 10, 1999. In response to a request to extend the public comment period received on February 8, 1999, the Department of Health and Welfare, Division of Environmental Quality (DEQ) has extended the comment period for an additional thirty (30) days. This rulemaking has been undertaken to address U.S. Environmental Protection Agency comments on Idaho's Implementation Plan submittals from the past four years, to allow the use of mobile source offsets, to review alternatives to the process weight rule, and to add a section on emergency situations and permitting revisions. Additional changes to the rules were made as a result of negotiations.

As additional notice of this extension, DEQ responded to the requestor directly, notified the members of the negotiating committee, and issued a press release.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the proposed rulemaking, contact Sue Richards at (208) 373-0502.

Anyone may submit written comments regarding this proposed rule. All written comments must be received by the undersigned on or before March 10, 1999.

Dated this 3rd day of March, 1999.

Paula Junae Saul  
Environmental Quality Section  
Attorney General's Office  
1410 N. Hilton  
Boise, Idaho 83706-1255  
Fax No. (208)373-0481

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE  
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE**

**DOCKET NO. 16-0309-9806**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 2000, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-209h, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the November 4, 1998 Idaho Administrative Bulletin, Volume 98-11, pages 94 through 109.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Mond D. Warren at (208) 364-1817.

DATED this 3rd day of March, 1999.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Legal Services Division  
450 West State Street - 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone  
(208) 334-5548 fax

---

**IDAPA 16  
TITLE 03  
Chapter 09**

**RULES GOVERNING MEDICAL ASSISTANCE**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-11, November 4, 1998, pages 94 through 109.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
2000 Idaho State Legislature for final adoption.**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE  
16.03.11 - RULES GOVERNING INTERMEDIATE CARE FACILITIES  
FOR THE MENTALLY RETARDED (ICF/MR)**

**DOCKET NO. 16-0311-9601**

**NOTICE OF VACATION OF RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the rulemaking previously initiated under this docket. The action is authorized pursuant to Section(s) 56-135 and 56-202, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a summary of the reasons for the vacation:

A Notice of Intent to Promulgate Rules (Negotiated Rulemaking) published in the May 1, 1996 Idaho Administrative Bulletin, Volume No. 96-5, Pages 77 and 78. Since then, and as a result of negotiations, the rule changes were promulgated and finalized under Docket No. 16-0310-9601.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation, contact Robbie Charlton at (208) 364-1809.

DATED this 3rd day of March, 1999.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Division of Legal Services  
450 West State Street, 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone  
(208) 334-5548 fax

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.04.13 - RULES GOVERNING THE EMERGENCY FOOD ASSISTANCE PROGRAM**

**DOCKET NO. 16-0413-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 2000, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-202 and 56-203, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the December 2, 1998 Idaho Administrative Bulletin, Volume 98-12, pages 56 through 66.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5819.

DATED this 3rd day of March, 1999.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Legal Services Division  
450 West State Street - 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 334-5548 fax

---

**IDAPA 16**  
**TITLE 04**  
**Chapter 13**

**RULES GOVERNING THE EMERGENCY FOOD ASSISTANCE PROGRAM**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-12, December 2, 1998, pages 56 through 66.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
2000 Idaho State Legislature for final adoption.**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.08 - RULES AND MINIMUM STANDARDS FOR DUI EVALUATORS**  
**DOCKET NO. 16-0608-9901**  
**NOTICE OF NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment through negotiated rulemaking prior to initiating formal rulemaking procedures.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the primary issues involved:

The purpose of this rulemaking is to establish procedures for the implementation of increased minimum standards for DUI (driving under the influence of alcohol or other drugs while operating a motor vehicle) Evaluators, to select standardized evaluation assessment tools, to develop and implement peer review quality improvement standards, and to establish an Advisory Board to work with the Department on monitoring issues.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rule, contact Decker Sanders at (208) 334-5934.

Anyone may submit written comments regarding this proposed negotiated rulemaking. All written comments must be directed to the undersigned by April 1, 1999.

DATED this 3rd day of March, 1999

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Legal Services Division  
450 West State Street, 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone  
(208) 334-5548 fax



**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.14 - RULES GOVERNING THE PREVENTION OF MINORS'**  
**ACCESS TO TOBACCO PRODUCTS**

**DOCKET NO. 16-0614-9801**

**NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The amendments to the temporary rule are effective January 1, 1999. These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 2000, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section(s) HB 1446 and 39-57, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rules have been amended in response to public comment and recommendations and to make typographical, transcriptional, and clerical corrections to the rules. The temporary rules are also being amended to reflect these changes. These rules are being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the December 2, 1998 Idaho Administrative Bulletin, Volume 98-12, pages 67 through 73.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact John Porter at, (208) 334-5756.

DATED this 3rd day of March, 1999.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Legal Services Division  
450 West State Street - 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 334-5548 fax

---

**IDAPA 16**  
**TITLE 06**  
**Chapter 14**

**RULES GOVERNING THE PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS**

**There are substantive changes**  
**from the proposed rule text.**

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete original text was published in the Idaho Administrative Bulletin, Volume 98-12, December 2, 1998, pages 67 through 73.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

---

**THE FOLLOWING IS TEXT OF DOCKET NO. 16-0614-9801**

**007. DEFINITIONS.**

The terms used in this rule are defined as follows:

(1-1-99)T

01. Business. Any company, partnership, firm, sole proprietorship, association, corporation, organization, or other legal entity, or a representative of the foregoing entities that ~~currently~~ sells or distributes or ~~intends to sell or distribute~~ tobacco products. Wholesalers' or manufacturers' representatives in the course of their employment are not included in the scope of these rules. ~~(1-1-99)T~~(1-1-99)T

02. Department. The Department of Health and Welfare or its duly authorized representative. (1-1-99)T

03. DHW. Department of Health and Welfare. (1-1-99)T

04. Distribute. To give, deliver, sell, offer to give, offer to deliver, offer to sell or cause any person to do the same or hire any person to do the same. (1-1-99)T

05. Effective Training. Training must include, at a minimum, the provisions of the law regarding minors' access to tobacco products as indicated on the suggested Employee Training form which is included with the permit provided by the Department and found in Appendix A of these rules. Such training will be presumed effective for purposes of civil penalty actions. (1-1-99)T

06. Minor. A person under eighteen (18) years of age. (1-1-99)T

07. Permit. A permit issued by the Department for the sale or distribution of tobacco products. (1-1-99)T

08. Permittee. The holder of a valid permit for the sale or distribution of tobacco products. (1-1-99)T

09. Photographic Identification. In all cases the identification must bear a photograph and a date of birth. Verification is not required by these rules if the buyer is known to the seller to be age eighteen (18) or older. Types of identification include: ~~(1-1-99)T~~(1-1-99)T

a. State, district, territorial, possession, provincial, national or other equivalent government driver's license; or (1-1-99)T

b. Identification card or military identification card; or (1-1-99)T

- c. A valid passport. (1-1-99)T
10. Random Unannounced Inspection. An inspection of business by a law enforcement agency or by the Department, with or without the assistance of a minor, to monitor compliance of this chapter. (1-1-99)T
- a. Random. At any time without a schedule or frequency. (1-1-99)T
- b. Unannounced. Without previous notification. (1-1-99)T
- ~~11. Retailer. A business which sells or distributes tobacco products to the public. (1-1-99)T~~
- ~~12. Seller. The person who physically sells or distributes tobacco products. (1-1-99)T~~
13. Tobacco Product. Any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco paper, or smokeless tobacco. (1-1-99)T
14. Vending Machine. Any mechanical, electronic or other similar device which, upon the insertion of tokens, money or any other form of payment, dispenses tobacco products. (1-1-99)T
15. Vendor Assisted Sales. Any sale or distribution in which the customer has no access to the product except through the assistance of the seller. The seller must physically dispense the tobacco product to the purchaser. A business is exempt from vendor assisted sales if it meets the following criteria: (1-1-99)T
- a. Tobacco products comprise at least seventy-five percent (75%) of total merchandise as determined by sales reported to the Idaho State Tax Commission; (1-1-99)T
- b. Minors are not allowed in exempt businesses and there is a sign on all entrances prohibiting minors; and (1-1-99)T
- c. There must be a separate entrance to the outside air or to a common area not under shared ownership by the exempt business. (1-1-99)T
16. Violation. An action contrary to Title 39, Chapter 57, Idaho Code, or IDAPA 16.06.14, "Rules Governing the Prevention of Minors' Access to Tobacco Products". (1-1-99)T
17. Without A Permit. A business that has failed to obtain a permit or a business whose permit is suspended or revoked. (1-1-99)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**020. APPLICATION FOR PERMIT.**

All businesses which sell or distribute tobacco products to the public must obtain a permit issued annually for no charge by the Department of Health and Welfare. ~~(1-1-99)T~~(1-1-99)T

01. Where To Obtain An Application For Permit. An application can be obtained from the Department of Health and Welfare, Division of Family and Community Services, PO Box 83720, Boise, Idaho, 83720-0036, at no cost to the applicant. (1-1-99)T
02. Separate Permits. A separate permit must be obtained for each place of business and for each business that houses a tobacco vending machine. The permit is non-transferable to another person, business, or location. (1-1-99)T
03. Renewal Of Permit. All permits must be renewed annually and are valid for twelve (12) calendar months. (1-1-99)T

a. The Department will mail notices of renewal for permits no later than ninety (90) days prior to the expiration date on the permit. (1-1-99)T

b. An application for renewal must be submitted annually by each business and for each business housing a vending machine. (1-1-99)T

c. A business with multiple sites may submit a single application to renew the permit at each site, so long as the application is accompanied by a list of business locations and addresses. (1-1-99)T

04. Application For Exemption. Businesses seeking exemption from vendor assisted sales shall submit information to the Department to establish compliance with criteria set forth in Subsections 016 007.14.a. through 007.14.c. ~~(1-1-99)T~~(1-1-99)T

**021. PERMITTEE RESPONSIBILITIES.**

The permittee is responsible for the following: (1-1-99)T

01. Possession Of Permit. Each business site must have a permit. (1-1-99)T

02. Visibility. The permit must be available upon request at each site and for any vending machine within the business. (1-1-99)T

03. Display Of Sign. Each business may display, at each business site, a sign which states: "State Law Prohibits the Sale of Tobacco Products to Persons Under the Age of Eighteen (18) Years. Proof of Age Required. Anyone Who Sells or Distributes Tobacco to a Minor is Subject to Strict Fines and Penalties. Minors are Subject to Fines and Penalties." (1-1-99)T

04. Effective Training. Each permittee is responsible to train employees as to the requirements of Title 39, Chapter 57, Idaho Code, and these rules. (1-1-99)T

a. Unless the ~~employer~~ permittee has its own training program as described in Subsection 021.04.b., the employer must, at a minimum, read to the employee or prospective employee who may be responsible for sale or distribution of tobacco products, or assure the employee or prospective employee has read the information contained on the Employee Training form found in Appendix A of these rules and have him initial each statement, and sign the form indicating an understanding of the provisions of the law governing minors' access to tobacco products. ~~(1-1-99)T~~(1-1-99)T

b. ~~Employers~~ Permittee may have their own training program but it must contain at least each of the elements listed in the Employee Training form found in Appendix A of these rules and the employee or prospective employee who may be responsible for sale or distribution of tobacco products must affirm in writing their acknowledgment of such training. ~~(1-1-99)T~~(1-1-99)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**051. CIVIL PENALTIES FOR VIOLATION OF PERMIT.**

01. Violations By The Seller. (1-1-99)T

a. The seller will receive a one hundred dollar (\$100) fine for each violation. (1-1-99)T

b. Each violation will be recorded with the Department and may be accessed by potential employers upon the written consent of the seller as a portion of the ~~retailer's~~ training permit documentation. ~~(1-1-99)T~~(1-1-99)T

02. Violations By The Permittee. (1-1-99)T

- a. First ~~violation~~. ~~(1-1-99)T~~(1-1-99)T
- i. If the permittee provides evidence of effective training, as determined by the Department, no fine will be imposed. (1-1-99)T
- ii. If the permittee cannot provide evidence of effective training, as determined by the Department, the permittee shall be fined two hundred dollars (\$200). (1-1-99)T
- b. Second ~~violation in a two (2) year period~~. ~~(1-1-99)T~~(1-1-99)T
- i. The permittee shall be fined four hundred dollars (\$400). (1-1-99)T
- ii. If the permittee can provide evidence of effective training, the permit for that site will not be suspended. (1-1-99)T
- iii. If training is determined by the Department to be ineffective, the permit for that site will be suspended for up to seven (7) days. If the permit for that site is suspended, the permittee must remove all tobacco products from public visibility for the duration of the ~~revocation~~ suspension of the permit. ~~(1-1-99)T~~(1-1-99)T
- c. Third or subsequent ~~violation in a two (2) year period~~. ~~(1-1-99)T~~(1-1-99)T
- i. The permittee shall ~~receive a third violation and shall~~ be fined one thousand dollars (\$1000). ~~(1-1-99)T~~(1-1-99)T
- ii. The permit shall be revoked for thirty (30) days beginning upon the day of notification by the Department of the third violation. (1-1-99)T
- iii. The permittee must remove all tobacco products from public visibility for the duration of the revocation of the permit. (1-1-99)T
- d. If a second or subsequent violation occurs prior to notification of the prior citation, there will be no permittee violation recorded for the subsequent violation but the statutory fine will be imposed. (1-1-99)T
03. Payment Of Fines. All fine payments must be received by the Department within 10 (ten) days of the date of the citation. Fine payments should be mailed to, Tobacco Project Office, 450 West State Street, 5th Floor, Boise, ID 83711. (1-1-99)T

**052. CRIMINAL PENALTIES.**

01. Selling Or Distributing Without a Permit. Criminal penalties apply to any business or individual(s) which sells or distributes tobacco products to the public without a permit. ~~(1-1-99)T~~(1-1-99)T
02. Department Notified Of Violation. If the Department is notified of a violation of Section 39-5709 et seq., Idaho Code, the Department will contact the appropriate law enforcement authority. (1-1-99)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**101. INSPECTIONS.**

01. Department Inspections. The Department shall conduct two (2) random, unannounced inspections per year at every known business location identified as a retailer of tobacco products to the public. ~~(1-1-99)T~~(1-1-99)T

02. Who Will Inspect. Inspections will be conducted by an adult enforcement officer accompanied by a minor. (1-1-99)T

03. Law Enforcement Agency Inspections. (1-1-99)T

a. In addition to the inspections set forth in Subsection 101.01, any law enforcement agency may conduct random, unannounced inspections with or without a minor at any business location, at any time, where tobacco products are sold or distributed to the public. (1-1-99)T

b. Law enforcement agencies conducting random unannounced inspections will report their citations under this chapter to the Department. The citations will become part of the permittee's permanent record ~~and that~~ will be treated as if the inspection was ~~ere~~ conducted by an enforcement officer from the Department. ~~(1-1-99)T~~(1-1-99)T

04. Issuance Of Citation Or Report. (1-1-99)T

a. ~~Permittees~~ A representative of the business will be provided with a report, within two (2) business days, after the inspection was conducted and no violations were found; or ~~(1-1-99)T~~(1-1-99)T

b. ~~Permittees~~ A representative of the business will be issued a citation within two (2) business days after the random unannounced inspection. ~~(1-1-99)T~~(1-1-99)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**APPENDIX A**  
**EMPLOYEE TRAINING FORM**

The following may be used for training of employees to assure that they are aware of the current law regarding youth access to tobacco products in the State of Idaho. This would constitute "minimum" training required by the employer as indicated in Section 39-5701 et seq., Idaho Code.

Have the employee initial each section and sign at the bottom.

\_\_\_\_\_ I understand the State law prohibits the sale of ANY tobacco products to persons under the age of 18 years of age and that verification of age is required for any sale of tobacco products

\_\_\_\_\_ I understand that I am to ask for photo identification ~~on~~ from any persons who appears to be under the age of 27 and verify their age before a sale of tobacco products.

\_\_\_\_\_ I understand that sales to anyone under the age of 18 can result in a personal fine to me of at least \$100 for the first offense.

\_\_\_\_\_ I understand that "tobacco products" includes any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco papers, or smokeless tobacco. (Section 39-5702 (10), Idaho Code)

\_\_\_\_\_ I understand that this store may be inspected at any time for compliance with the state law regarding "youth access to tobacco products".

\_\_\_\_\_ I understand that all sales must be "vendor assisted" unless the store in which I work has 75% of the total merchandise available for sale as tobacco products. This store is \_\_\_\_\_ is not \_\_\_\_\_ exempted from the vendor assisted requirement. (check one)

\_\_\_\_\_ I understand that cigarettes **must** be sold only in their original sealed package from the manufacturer. (Section 39-5707, Idaho Code)

\_\_\_\_\_ I have been given a copy of Section 39-5701 et seq., Idaho Code, and IDAPA 16.06.14, "Rules Governing the Prevention of Minor's Access to Tobacco Products".

I have read and agree to these statements and have had all my questions answered regarding my responsibilities as a seller of tobacco products in the State of Idaho.

By signing this agreement, I consent to having a current or potential employer contact the Department of Health and Welfare to determine if I have received citations for violation Title 39, Chapter 57, Idaho Code.

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witnessed

\_\_\_\_\_  
Date

~~(1-1-99)T~~(1-1-99)T

# Subjects Affected Index

## **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

### **16.06.14 - RULES GOVERNING THE PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS**

#### **Docket No. 16-0614-9801**

007. Definitions.....	18
020. Application For Permit.....	19
021. Permittee Responsibilities.....	20
051. Civil Penalties For Violation Of Permit.....	20
052. Criminal Penalties.....	21
101. Inspections.....	21



# Bulletin Summary of Proposed Rule-Making

## PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

There are no proposed rules being promulgated or published in this issue of the Bulletin.

Please refer to the Idaho Administrative Bulletin, **March 3, 1999, Volume 99-3** for notices and text of all rule-makings, public hearing schedules, governor's executives orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address: **<http://www.state.id.us/>** - from the State of Idaho Home Page select Administration Rules.

**VOLUME 1 - IDAPA 01 THROUGH 15**

**VOLUME 2 - IDAPA 16 THROUGH 19**

**VOLUME 3 - IDAPA 20 THROUGH 59**

# Subject Index

<b>A</b>		<b>T</b>	
Appendix A Employee Training Form	23	Tobacco Product	19
Application For Exemption	20	<b>V</b>	
Application For Permit	19	Vending Machine	19
<b>B</b>		Vendor Assisted Sales	19
Business	18	Violation	19
<b>C</b>		Violations By The Permittee	21
Civil Penalties For Violation Of Permit	20	Violations By The Seller	20
Criminal Penalties	21	Visibility	20
<b>D</b>		<b>W</b>	
DHW	18	Where To Obtain An Application For	Permit 19
Definitions	18	Who Will Inspect	22
Department	18	Without A Permit	19
Department Inspections	21		
Department Notified Of Violation	21		
Display Of Sign	20		
Distribute	18		
<b>E</b>			
Effective Training	18, 20		
<b>I</b>			
Inspections	21		
Issuance Of Citation Or Report	22		
<b>L</b>			
Law Enforcement Agency	Inspections 22		
<b>M</b>			
Minor	18		
<b>P</b>			
Payment Of Fines	21		
Permit	18		
Permittee	18		
Permittee Responsibilities	20		
Photographic Identification	18		
Possession Of Permit	20		
<b>R</b>			
Random Unannounced Inspection	19		
Renewal Of Permit	20		
Retailer	19		
<b>S</b>			
Seller	19		
Selling Or Distributing Without A	Permit 21		
Separate Permits	19		