

53-7-405 Marking of cigarette packaging.

- (1) Cigarettes that are certified by a manufacturer in accordance with Section 53-7-404 shall be marked to indicate compliance with the requirements of Section 53-7-403. The marking shall be in eight-point type or larger and consist of:
 - (a) modification of the product UPC code to include a visible mark printed at or around the area of the UPC code, which may include alphanumeric or symbolic characters permanently stamped, engraved, embossed, or printed in conjunction with the UPC;
 - (b) any visible combination of alphanumeric or symbolic characters permanently stamped, engraved, or embossed upon the cigarette package or cellophane wrap; or
 - (c) printed, stamped, engraved, or embossed text that indicates that the cigarettes meet the standards of this part.
- (2) A manufacturer shall use only one marking, and shall apply this marking uniformly for all packages marketed by the manufacturer, including:
 - (a) packs;
 - (b) cartons;
 - (c) cases; and
 - (d) any brands marketed by that manufacturer.
- (3) The manufacturer shall notify the state fire marshal of the marking that it has selected in accordance with Subsection (2).
- (4) Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the state fire marshal for approval. Upon receipt of the request, the state fire marshal shall approve or disapprove the marking offered, except that the state fire marshal shall approve any marking in use and approved for sale in New York pursuant to the New York Fire Safety Standards for Cigarettes. Proposed markings shall be considered approved if the state fire marshal fails to act within 10 business days of receiving a request for approval.
- (5) No manufacturer shall modify its approved marking unless the modification has been approved by the state fire marshal in accordance with this section.
- (6)
 - (a) Manufacturers certifying cigarettes in accordance with Section 53-7-404 shall provide:
 - (i) a copy of the certifications to all wholesale dealers and agents to which they sell cigarettes; and
 - (ii) sufficient copies of an illustration of the package marking utilized by the manufacturer pursuant to this section for each retail dealer to which the wholesale dealers or agents sell cigarettes.
 - (b) Wholesale dealers and agents shall provide a copy of the package markings received from manufacturers under Subsection (6)(a) to all retail dealers to which they sell cigarettes.
 - (c) Wholesale dealers, agents, and retail dealers shall permit the state fire marshal, the State Tax Commission, the attorney general, and their employees to inspect markings of cigarette packaging marked in accordance with this section.

Enacted by Chapter 362, 2007 General Session