

**32B-1-605 General procedure for approval.**

- (1) To obtain approval of the label and packaging of a malted beverage, the manufacturer of the malted beverage shall submit an application to the department for approval.
- (2) The application described in Subsection (1) shall be on a form approved by the department and include the following:
  - (a) a copy of a federal certificate of label approval from the Department of Treasury, Tax and Trade Bureau, for each brand and label for which the manufacturer is seeking approval;
  - (b) a complete set of original labels for each size of container of the malted beverage;
  - (c) a description of the size of the container on which a label will be placed;
  - (d) a description of each type of container of the malted beverage; and
  - (e) a description of any packaging for the malted beverage.
- (3) The department may assess a reasonable fee for reviewing a label and packaging for approval.
- (4)
  - (a) The department shall notify a manufacturer within 30 days after the day on which the manufacturer submits an application whether the label and packaging is approved or denied.
  - (b) If the department determines that an unusual circumstance requires additional time, the department may extend the time period described in Subsection (4)(a).
- (5) A manufacturer shall obtain the approval of the department of a revision of a previously approved label and packaging before a malted beverage using the revised label and packaging may be distributed or sold in this state.
- (6)
  - (a) The department may revoke a label and packaging previously approved upon a finding that the label and packaging is not in compliance with this title or rules of the commission.
  - (b) The department shall notify the person who applies for the approval of a label and packaging at least five business days before the day on which a label and packaging approval is considered revoked.
  - (c) After receiving notice under Subsection (6)(b), a manufacturer may present written argument or evidence to the department on why the revocation should not occur.
- (7) A manufacturer that applies for approval of a label and packaging may appeal a denial or revocation of a label and packaging approval to the commission.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session