

53-7-404 Certification and product change -- Restricted account created.

- (1) Each manufacturer shall submit to the state fire marshal a written certification attesting that:
 - (a) each cigarette listed in the certification has been tested in accordance with Section 53-7-403; and
 - (b) each cigarette listed in the certification meets the performance standard set forth in Subsection 53-7-403(2)(c).
- (2) Each cigarette listed in the certification shall be described with the following information:
 - (a) brand, or trade name on the package;
 - (b) style, such as light or ultra light;
 - (c) length in millimeters;
 - (d) circumference in millimeters;
 - (e) flavor, such as menthol or chocolate, if applicable;
 - (f) filter or nonfilter;
 - (g) package description, such as soft pack or box;
 - (h) marking approved in accordance with Section 53-7-405;
 - (i) the name, address, and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
 - (j) the date that the testing occurred.
- (3) The certifications shall be made available to the attorney general for purposes consistent with this part and the State Tax Commission for the purposes of ensuring compliance with this section.
- (4) Each cigarette certified under this section shall be recertified every three years.
- (5) For each cigarette listed in a certification, a manufacturer shall pay to the state fire marshal a \$250 fee. The state fire marshal is authorized to annually adjust this fee to ensure it defrays the actual costs of the processing, testing, enforcement, and oversight activities required by this part.
- (6)
 - (a) Beginning July 1, 2008, there is created a restricted account within the General Fund called the "Reduced Cigarette Ignition Propensity and Firefighter Protection Act Enforcement Account."
 - (b) The account created in Subsection (6)(a) shall consist of all certification fees submitted by manufacturers.
 - (c)
 - (i) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.
 - (ii) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
 - (d) Upon appropriations from the Legislature, money from the account created in Subsection (6)
 - (a) shall be used by the state fire marshal solely to support processing, testing, enforcement, and oversight activities under this part.
- (7)
 - (a) If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to the certified cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards required by this part, that cigarette shall not be sold or offered for sale in this state until the manufacturer:
 - (i) retests the cigarette in accordance with the testing standards set forth in Section 53-7-403; and
 - (ii) maintains records of that retesting as required by Section 53-7-403.

(b) Any altered cigarette which does not meet the performance standard set forth in Section 53-7-403 may not be sold in this state.

Amended by Chapter 216, 2008 General Session