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§16–604. IN EFFECT

**** CONTINGENCY – IN EFFECT – CHAPTER 497 OF 2007 ****

(a) Cigarettes that have been certified in accordance with § 16–603 of this subtitle shall be marked in accordance with the requirements of this section.

(b) The marking shall:

(1) consist of:

(i) any marking in use and approved for sale in New York under the New York fire safety standards for cigarettes; or

(ii) the letters “FSC” to signify Fire Standards Compliant;

(2) be in a font of at least 8 point type; and

(3) be permanently printed, stamped, engraved, or embossed on the package at or near the area of the UPC code, if present.

(c) A manufacturer may propose an alternative marking that:

(1) meets the criteria under subsection (b)(2) and (3) of this section; and

(2) consists of a visible combination of alphanumeric or symbolic characters or text permanently stamped, engraved, embossed, or printed:

(i) in conjunction with the UPC code; or

(ii) on the cigarette pack or cellophane wrap.

(d) (1) A manufacturer shall request approval of a proposed marking from the Comptroller.

(2) (i) The Comptroller shall approve a marking specified in subsection (b)(1) of this section.

(ii) A marking is deemed approved if the Comptroller fails to act within 10 business days after receiving a request for approval.

(3) A manufacturer may not use a modified marking unless the modification has been approved in accordance with this section.

(4) A manufacturer shall use only one marking on all brands that the manufacturer markets.

(5) A marking or modified marking approved by the Comptroller shall be applied uniformly on all brands marketed and on all packages, including packs, cartons, and cases marketed by that manufacturer.

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