***** 29.501.new THIS NEW SECTION IS EFFECTIVE JANUARY 1, 2010; THIS NEW SECTION IS ALSO
REPEALED ON THE DATE THAT THE DIRECTOR NOTIFIES THE SECRETARY OF STATE IN WRITING
THAT A FEDERAL REDUCED CIGARETTEignITION PROPENSITY STANDARD THAT PREEMPTS
THIS ACT HAS BEEN ADOPTED AND IS IN EFFECT: See 29.511.new *****

29.501.new Marking.
Sec. 11. (1) A manufacturer shall mark any cigarettes certified by the manufacturer under section 7 to
indicate compliance with the requirements of section 5. The marking shall be in 8-point type or larger and
consist of 1 of the following:
(a) Modification of the product UPC to include a visible mark printed at or around the area of the UPC.
The mark may consist of alphanumeric or symbolic characters permanently stamped, engraved, embossed,
debossed, or printed in conjunction with the UPC.
(b) A visible combination of alphanumeric or symbolic characters permanently stamped, engraved, or
embossed upon the cigarette package or cellophane wrap.
(c) Printed, stamped, engraved, or embossed text that indicates that the cigarettes meet the standards of this
act.
(2) A manufacturer shall use the same marking on all brands marketed by that manufacturer and apply that
marking uniformly on all packs, cartons, cases, and other packages of its cigarettes.
(3) A manufacturer shall notify the department which marking the manufacturer has selected under
subsection (1) for its cigarettes.
(4) Before certification of any cigarette under section 7, a manufacturer must submit a request to the
department for approval of its proposed marking. Subject to subsection (5), when it receives a request under
this subsection, the department shall approve or disapprove the marking submitted. A proposed marking is
considered approved by the department if the department fails to approve or disapprove of the proposed
marking within 10 business days after receiving a request for approval of that proposed marking under this
subsection.
(5) The department shall approve of any marking submitted to it under subsection (4) if the marking meets
either of the following:
(a) The marking includes the acronym "FSC", signifying that the cigarettes are fire standards compliant
under the New York fire safety standards for cigarettes.
(b) The marking is in use and approved for sale in New York pursuant to the New York fire safety
standards for cigarettes.
(6) A manufacturer shall not modify a marking approved by the department under subsection (4) unless the
manufacturer submits a request to the department for approval of the modification. When it receives a request
under this subsection, the department shall approve or disapprove the modification to the marking submitted.
A modification to a marking is considered approved by the department if the department fails to approve or
disapprove the modification within 10 business days after receiving a request for approval of that
modification under this subsection.
(7) A manufacturer certifying cigarettes under section 7 shall provide a copy of the certification to each
wholesale dealer, unclassified acquirer, and agent to which the manufacturer sells cigarettes and shall provide
sufficient copies of an illustration of the package marking utilized by the manufacturer under this section for
each secondary wholesaler and retail dealer to which the wholesale dealer, unclassified acquirer, or agent sells
cigarettes. A wholesale dealer or agent shall provide a copy of package markings received from a
manufacturer under this subsection to each secondary wholesaler and retail dealer to which it sells cigarettes.
A wholesale dealer, unclassified acquirer, agent, secondary wholesaler, or retail dealer shall permit the
department, the department of treasury, the attorney general, and their employees to inspect markings of
cigarette packaging marked under this section.