

(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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(A) THE MANUFACTURER SHALL:

(1) PROVIDE A COPY OF EACH CERTIFICATION TO EACH WHOLESALER TO WHICH THE MANUFACTURER SELLS CIGARETTES; AND