

**101B.3 General requirements — administration.**

1. Beginning January 1, 2009, cigarettes shall not be sold or offered for sale to any person in this state unless:

a. The cigarettes have been tested in accordance with the test method prescribed in [section 101B.4](#).

b. The cigarettes meet the performance standard specified in [section 101B.4](#).

c. A written certification has been filed by the manufacturer with the department and in accordance with [section 101B.5](#).

d. The cigarettes have been marked in accordance with [section 101B.7](#).

2. [This chapter](#) shall not be construed to prohibit a wholesaler or retailer from selling the wholesaler's or retailer's inventory of cigarettes existing prior to January 1, 2009, provided that the wholesaler or retailer is able to establish both of the following:

a. Tax stamps were affixed to the cigarettes on inventory pursuant to [section 453A.10](#) before January 1, 2009.

b. The inventory of cigarettes was purchased before January 1, 2009, in comparable quantity to the amount of inventory of cigarettes purchased during the same period of the prior year.

3. [This chapter](#) shall not be construed to prohibit any person from selling or offering for sale cigarettes that have not been certified by the manufacturer in accordance with [section 101B.5](#) if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States.

4. The department of public safety shall administer [this chapter](#) and may adopt rules pursuant to [chapter 17A](#) to administer [this chapter](#). [This chapter](#) shall be implemented in accordance with the implementation and substance of the New York fire safety standards for cigarettes.

[2007 Acts, ch 166, §3](#)

Referred to in [§101B.8](#)