

661—61.1(101B) Definitions. The following definitions apply to rules 661—61.1(101B) through 661—61.21(101B):

“*Agent*” means a distributor as defined in Iowa Code section 453A.1 authorized by the department of revenue to purchase and affix stamps pursuant to Iowa Code section 453A.10.

“*Certified reduced ignition propensity cigarette*” means a unique cigarette brand style that meets the following criteria:

1. The unique cigarette brand style has been tested in accordance with the test method prescribed in rule 661—61.3(101B) or has been approved pursuant to rule 661—61.4(101B).

2. The unique cigarette brand style meets the performance standard specified in rule 661—61.3(101B) or has been approved pursuant to rule 661—61.4(101B).

3. A written certification for the unique cigarette brand style has been filed by the manufacturer with the department and in accordance with rule 661—61.10(101B).

4. Packaging for the unique cigarette brand style has been marked in accordance with rule 661—61.13(101B).

“*Cigarette*” means a cigarette as defined in Iowa Code section 453A.1, but shall not mean a tobacco product as defined in Iowa Code section 453A.1.

“*Department*” means the department of public safety.

“*Manufacturer*” means any of the following:

1. An entity that manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced, anywhere, which cigarettes the manufacturer intends to be sold in this state, including cigarettes intended to be sold in the United States through an importer.

2. The first purchaser of cigarettes anywhere, that intends to resell in the United States, cigarettes manufactured or produced anywhere, that the original manufacturer did not intend to be sold in the United States.

3. An entity that becomes a successor of an entity described in numbered paragraph “1” or “2” of this definition.

“*Quality control and quality assurance program*” means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the repeatability testing, and which program ensures that the testing repeatability remains within the required repeatability values specified in rule 661—61.3(101B).

“*Reduced ignition propensity cigarette*” means a cigarette certified pursuant to this chapter.

“*Repeatability*” means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

“*Retailer*” means retailer as defined in Iowa Code section 453A.1.

“*Sale*” means any transfer of title or possession, exchange or barter, in any manner or by any means or any agreement. In addition to cash and credit sales, the giving of cigarettes as a sample, prize, or gift or the exchanging of cigarettes for any consideration other than money is considered a sale.

“*Sell*” means to sell, or to offer or agree to sell.

“*Unique cigarette brand style*” means a cigarette with a unique combination of the following:

1. Brand or trade name.

2. Style, such as light or ultra light.

3. Length.

4. Circumference.

5. Flavor, such as menthol or chocolate, if applicable.

6. Presence or absence of a filter.

7. Type of package, such as soft pack or box.

“*Wholesaler*” means wholesaler as defined in Iowa Code section 453A.1.