

68 O.S. §317.9. Mailing, Shipping, Delivery, or Transportation of Cigarettes by Unauthorized Persons - Penalties - Violations.

A. No person or entity engaged in the business of selling or distributing cigarettes that is not a manufacturer, wholesaler, or distributor of cigarettes or other tobacco products licensed by the Oklahoma Tax Commission shall mail, ship or otherwise deliver cigarettes to any person in this state that is not:

1. A distributor or wholesaler of cigarettes licensed by the Oklahoma Tax Commission under [Section 304](#) of Title 68 of the Oklahoma Statutes;
2. An export warehouse proprietor pursuant to Chapter 52 of the Internal Revenue Code or the operator of a customs bonded warehouse pursuant to 19 U.S.C., Section 1311 or 1555; or
3. A person who is an officer, employee or agent of the United States government, this state or a department, agency, instrumentality or political subdivision of the United States or this state when the person is acting in accordance with the official duties of the person.

B. For purposes of this section, "cigarette" shall have the same definition as that found in [Section 600.22](#) of Title 37 of the Oklahoma Statutes and "distributor", "wholesaler" and "retailer" shall have the same definitions that are found in [Section 301](#) of Title 68 of the Oklahoma Statutes.

C. It shall be illegal for any common or contract carrier to knowingly transport cigarettes to any person in this state reasonably believed by the carrier to be a person other than described in paragraph 1, 2 or 3 of subsection A of this section. For purposes of this subsection, cigarettes may be transported to a home or residence in this state by persons other than common and contract carriers in quantities that do not exceed one thousand cigarettes at any one time.

D. 1. A person that violates the provisions of subsection A or C of this section shall be subject to: a. a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00) for each violation or Twenty-five Dollars (\$25.00) for each pack of cigarettes shipped or transported, whichever is greater, b. an injunction to restrain a threatened or actual violation of this section, c. the costs of any investigation conducted by the state related to a violation of this section, and d. attorney fees and costs.

2. Any cigarettes that are shipped or transported into this state in violation of this section shall be forfeited to the state and destroyed.

3. Each shipment, transport, or attempted shipment or transport of cigarettes or tobacco products in violation of this section shall constitute a separate violation.

E. All civil penalties obtained as a result of an action brought under this section shall be deposited into the Attorney General's Evidence Fund.