

al, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of the State.

(i) DEFINITION.—In this section, the term “State” has the meaning given that term in section 1716(k).

(Added Pub. L. 111–154, §3(a), Mar. 31, 2010, 124 Stat. 1103.)

Editorial Notes

REFERENCES IN TEXT

Section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act, referred to in subsec. (a)(1), is classified to section 375 of Title 15, Commerce and Trade.

Section 2A(e) of the Jenkins Act, referred to in subsec. (a)(2)(B), is classified to section 376a of Title 15, Commerce and Trade.

The Internal Revenue Code of 1986, referred to in subsec. (b)(1), (5)(A)(i), is classified generally to Title 26, Internal Revenue Code.

The date of enactment of the Prevent All Cigarette Trafficking Act of 2009, referred to in subsec. (b)(3)(B)(i), (4)(B)(i), (5)(C)(i), is the date of enactment of Pub. L. 111–154, which was approved Mar. 31, 2010.

Section 3(d) of the Prevent All Cigarette Trafficking Act of 2009, referred to in subsec. (b)(3)(B)(ii)(V), is unidentifiable because section 3 of that Act, Pub. L. 111–154, Mar. 31, 2010, 124 Stat. 1103, does not contain a subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 90 days after March 31, 2010, see section 6 of Pub. L. 111–154, set out as an Effective Date of 2010 Amendment note under section 375 of Title 15, Commerce and Trade.

NONMAILABILITY OF ELECTRONIC NICOTINE DELIVERY SYSTEMS

Pub. L. 116–260, div. FF, title VI, §603, Dec. 27, 2020, 134 Stat. 3137, provided that:

“(a) REGULATIONS.—Not later than 120 days after the date of enactment of this Act [Dec. 27, 2020], the United States Postal Service shall promulgate regulations to clarify the applicability of the prohibition on mailing of cigarettes under section 1716E of title 18, United States Code, to electronic nicotine delivery systems, in accordance with the amendment to the definition of ‘cigarette’ made by section 602 [amending sections 375 and 376a of Title 15, Commerce and Trade].

“(b) EFFECTIVE DATE.—The prohibition on mailing of cigarettes under section 1716E of title 18, United States Code, shall apply to electronic nicotine delivery systems on and after the date on which the United States Postal Service promulgates regulations under subsection (a) of this section.”

§ 1717. Letters and writings as nonmailable

(a) Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, in violation of sections 499, 506, 793, 794, 915, 954, 956, 957, 960, 964, 1017, 1542, 1543, 1544 or 2388 of this title or which contains any matter advocating or urging treason, insurrec-

tion, or forcible resistance to any law of the United States is nonmailable and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

(b) Whoever uses or attempts to use the mails or Postal Service for the transmission of any matter declared by this section to be nonmailable, shall be fined under this title or imprisoned not more than ten years or both.

(June 25, 1948, ch. 645, 62 Stat. 782; Pub. L. 86–682, §12(b), Sept. 2, 1960, 74 Stat. 708; Pub. L. 91–375, §6(j)(27), Aug. 12, 1970, 84 Stat. 780; Pub. L. 101–647, title XXXV, §3552(a), Nov. 29, 1990, 104 Stat. 4926; Pub. L. 103–322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§343, 344, 345, 346 (June 15, 1917, ch. 30, title XII, §§1–3, title XIII, §1, 40 Stat. 230, 231; Mar. 28, 1940, ch. 72, §9, 54 Stat. 80).

Section consolidates said sections 343–345 of title 18, U.S.C., 1940 ed. The provision as to opening letters was incorporated in paragraph (c).

Venue provisions in said section 345 of title 18, U.S.C., 1940 ed., were omitted as covered by section 3237 of this title.

Section 346 of title 18, U.S.C., 1940 ed., defining “United States” was omitted. It is incorporated, however, in section 5 of this title.

References in text to other sections do not include definitive sections. Only those susceptible of violation are cited.

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in arrangement, translation, and phraseology.

Editorial Notes

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–322 substituted “fined under this title” for “fined not more than \$5,000”.

1990—Pub. L. 101–647 struck out “; opening letters” after “nonmailable” in section catchline.

1970—Subsec. (b). Pub. L. 91–375 struck out “of the United States” after “Postal Service”.

1960—Subsec. (c). Pub. L. 86–682 struck out subsec. (c) which related to the opening of letters.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86–682 effective Sept. 1, 1960, see section 11 of Pub. L. 86–682, Sept. 2, 1960, 74 Stat. 708.

§ 1718. Repealed. Pub. L. 101–647, title XII, § 1210(c), Nov. 29, 1990, 104 Stat. 4832]

Section, acts June 25, 1948, ch. 645, 62 Stat. 782; Aug. 12, 1970, Pub. L. 91–375, §6(j)(28), 84 Stat. 780, provided that libelous matter on wrappers or envelopes was nonmailable.

§ 1719. Franking privilege

Whoever makes use of any official envelope, label, or indorsement authorized by law, to