

# Flavored tobacco policy restrictions

as of June 30, 2024

Truth Initiative's flavor policy database analyzes flavored tobacco product laws enacted by U.S. states, counties, cities, and towns. This database is updated quarterly. [The U.S. Food and Drug Administration \(FDA\) policy announced in January 2020](#) is not reflected in the database.

The 2009 Family Smoking Prevention and Tobacco Control Act (TCA) banned the sale of cigarettes with a characterizing flavor (e.g. fruit), but exempted menthol cigarettes and did not apply to flavored tobacco products like electronic cigarettes (also known as e-cigarettes), little cigars, hookah and smokeless tobacco. The passage of the law gave the FDA the power to implement flavor-related product standards on other tobacco products, but the agency has so far not enacted any comprehensive policies. Flavors also play a big role in the youth e-cigarette crisis — [97% of youth who vape use flavored products](#) — and while the [FDA issued a policy intended to reduce access to flavored e-cigarettes in January 2020](#), we believe the policy is deficient and has many regulatory gaps, including allowing menthol in all e-cigarettes as well as all flavors in open systems and disposable e-cigarette products. We chose not to include this FDA policy in this database project and instead highlight only state and local policies.

Implementing strong state and local flavor policies that restrict the sale of all flavored tobacco products, including menthol, is an increasingly important tool in ensuring effective tobacco control efforts and protection of the most vulnerable populations. The TCA protects the states' and localities' ability to implement their own sales restrictions on flavored tobacco products. In April 2022, the FDA proposed rules prohibiting menthol cigarettes and flavored cigars. However, the rules are not yet final and these local actions help close the federal regulatory gap and reduce the availability and appeal of flavored tobacco products to youth and young adults.

## NATIONWIDE SUMMARY

As of June 30, 2024, about 28.50% of the U.S. population was living in a jurisdiction with a flavored tobacco sales restriction in effect.\*

As of June 30, 2024, about 16.24% of the U.S. population was living in a jurisdiction with a menthol cigarette sales restriction in effect.

**403 U.S. jurisdictions\*** have some type of Restriction on Flavored Tobacco Product Sales as of June 30, 2024:

- States = 8
- Full Counties = 10
- Unincorporated Counties = 18
- Cities = 202
- Towns = 163
- Villages = 2

\* Does not include tribes, which are not a jurisdiction. Tribes are sovereign nations with their own system of laws and governance. Sales restrictions enacted by Native American tribes are enforced within their territory by the tribal government.

**14 states** have at least one jurisdiction with a Flavored Tobacco Sales Restriction as of June 30, 2024:

- California = 146<sup>‡</sup>
- Colorado = 7
- Georgia = 1
- Illinois = 5
- Maine = 9<sup>‡</sup>
- Maryland = 2<sup>‡</sup>
- Massachusetts = 179<sup>‡</sup>
- Minnesota = 30
- New Jersey = 5<sup>‡</sup>
- New York = 5<sup>‡</sup>
- North Dakota = 3
- Ohio = 5
- Rhode Island = 4<sup>‡</sup>
- Utah = 1<sup>‡</sup>

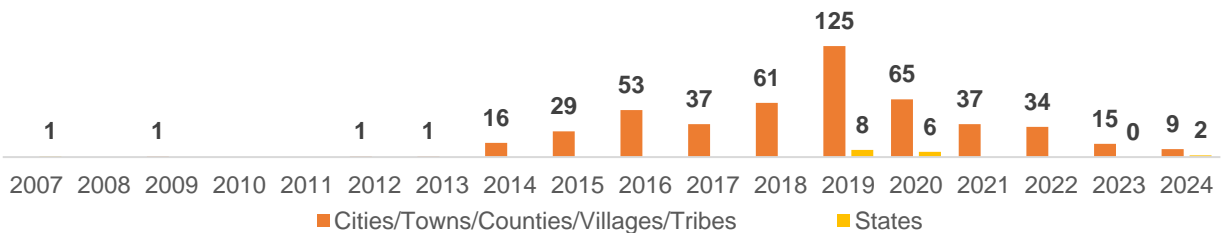
<sup>‡</sup> Includes statewide policies

**3 Native American tribes** have a Flavored Tobacco Sales Restriction enforced within their territory as of June 30, 2024:

- Oglala Sioux Tribe<sup>^</sup>
- Turtle Mountain Band of Chippewa Indians Tribe<sup>^</sup>
- Saint Regis Mohawk Tribe

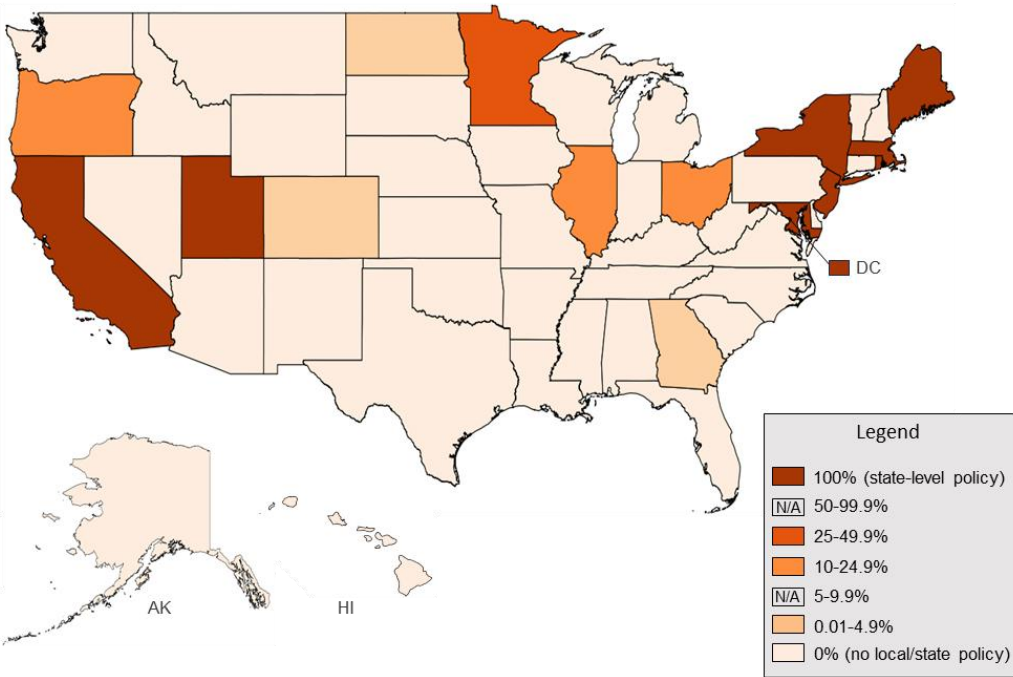
<sup>^</sup> Bans all e-cigarette products

### Flavored Tobacco Policies Passed By Year

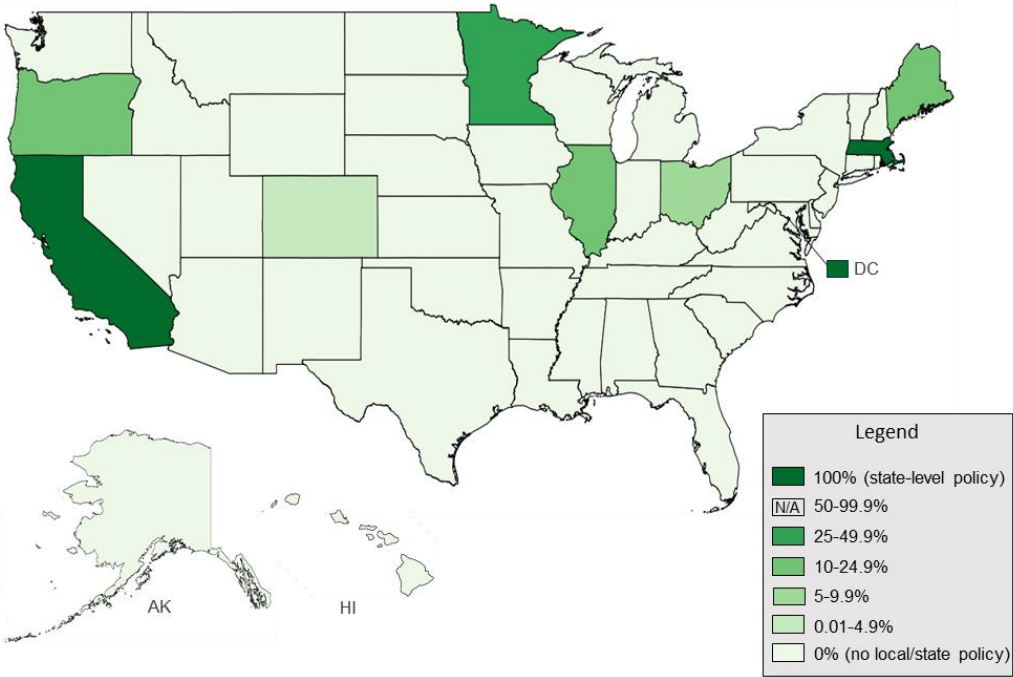


\* Note: since the Q2 2023 report, the population coverage methodology has been updated to use implementation dates and more recent Census data.

Percent of state population covered by a flavored tobacco sales restriction  
As of June 30, 2024



Percent of state population covered by a menthol cigarette sales restriction  
As of June 30, 2024



## STATEWIDE POLICIES AS OF JUNE 30, 2024:

- **California (pop. 39.6 million):** Prohibits sale of all flavored tobacco products except for loose leaf tobacco, hookah, and premium cigars.
- **Maine (pop. 1.4 million):** Prohibits sale of all flavored cigars except for premium cigars.
- **Maryland (pop. 6.2 million):** Prohibits sale of all flavored cartridge-based and disposable e-cigarettes except for menthol.
- **Massachusetts (pop. 7.0 million):** Prohibits sale of all flavored tobacco products except in smoking bars.<sup>†</sup>
- **New Jersey (pop. 9.3 million):** Prohibits sale of all flavored vaping products.
- **New York (pop. 19.8 million):** Prohibits sale of all flavored e-cigarettes, except those approved as part of an FDA premarket approval.
- **Rhode Island (pop. 1.1 million):** Prohibits sale of all flavored e-cigarettes.
- **Utah (pop. 3.4 million):** Prohibits sale of flavored e-cigarettes (except for menthol and mint) in non-retail tobacco specialty businesses. Beginning January 1, 2025, Utah prohibits sale of flavored e-cigarettes (except for menthol) in all retailers.

<sup>†</sup> "Smoking bar" is an establishment that exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises.

## PREEMPTION

- **Ohio:** In January 2024, the state legislature voted to preempt local governments from enacting their own laws on regulating tobacco sales in their jurisdictions. In May 2024, a county judge found the state law to be unconstitutional, but the decision applies only to the municipalities that joined the lawsuit.

## JURISDICTIONS WITH PENDING BALLOT MEASURES OR LITIGATION:

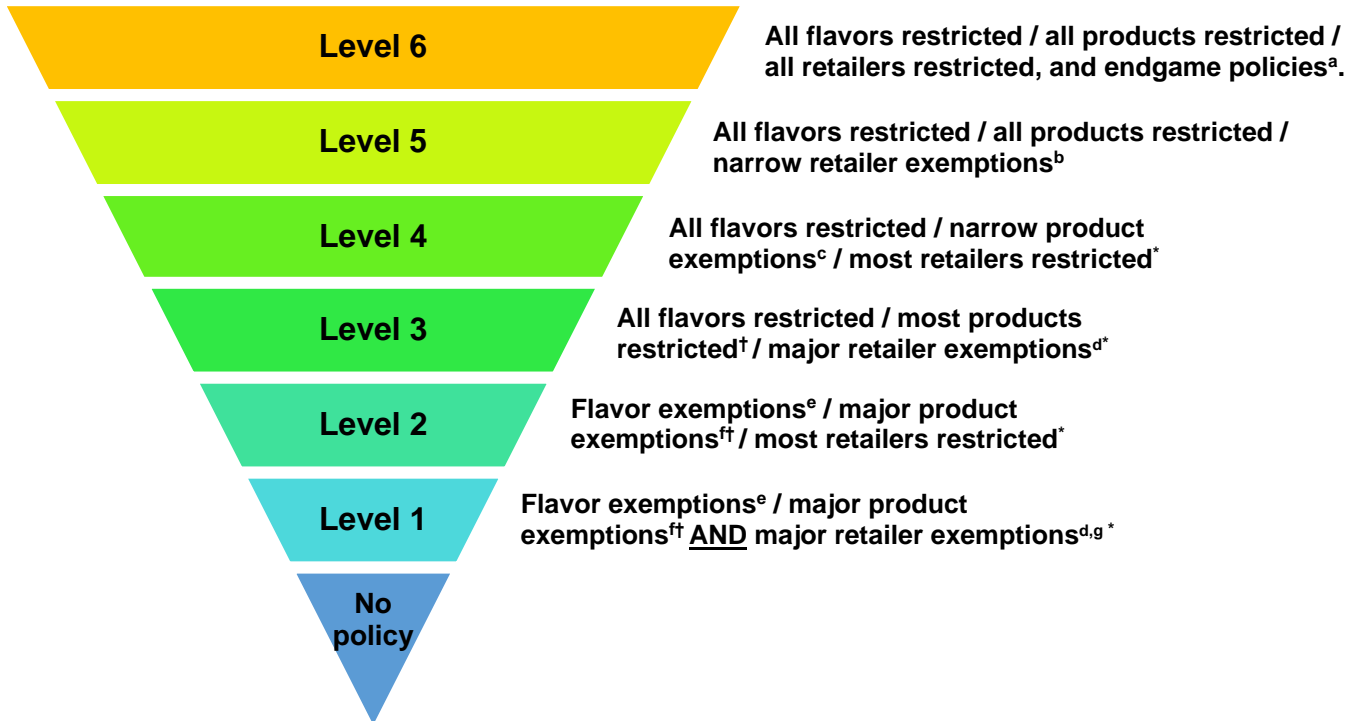
- **Multnomah County, OR:** In February 2024, the Oregon Court of Appeals issued an order that extends its temporarily halt of the county's enforcement of the new flavored tobacco sales ban.
- **Washington County, OR:** In May 2024, the Oregon Court of Appeals upheld Washington County's law ending the sale of flavored tobacco products, finding that it is not preempted by state law. This decision overturns a lower court ruling that blocked the law. The case is now being sent back to Washington County Circuit Court for further proceedings consistent with the opinion.

## **JURISDICTIONS WITH TRIGGER LAWS:**

- **Hawaii County and Honolulu, HI** have passed laws that would go into effect 42 days after the state of Hawaii's preemption of county ordinances on the sale of tobacco products is officially repealed or suspended. Until the state's preemption of such ordinances is repealed or suspended, the laws do not take effect.

## LOCALITIES

Comprehensive flavored tobacco sales restrictions are gaining momentum at the local and state level. In this report, we follow a six-tiered classification scheme that characterizes flavored tobacco sales restrictions from least to most comprehensive, with the latter defined as policies that prohibit sales of ALL types of flavors across ALL products, including menthol/mint/wintergreen tobacco products, at ALL retailers. Please see below for a detailed description of each level.



<sup>a</sup> Endgame policies refer to restrictions on the sale of all tobacco products in a jurisdiction.

<sup>b</sup> Narrow retail exemptions allow for the sale of flavored tobacco products (FTPs) in on-site consumption tobacco or smoking bars (i.e. retailers exclusively occupying an enclosed indoor space and are primarily selling tobacco products for consumption by customers on the premises)

<sup>c</sup> Narrow product exemptions allow for the sale of flavored: hookah, pipe, premium cigars, FDA premarket approval products, and/or FDA modified risk approval products

<sup>d</sup> Major retailer exemptions allow for the sale of FTPs in: adult only retailers, liquor stores, vape shops, specialty stores (i.e. establishments in which the primary purpose is the sale of tobacco and tobacco-related products and/or a specified percentage of its revenues is derived from the sale of tobacco and tobacco-related products), and/or policies that apply only to buffer zones (i.e. policies that apply only to retailers within a certain distance of youth-oriented areas, such as schools, parks, playgrounds, and libraries)

<sup>e</sup> Flavor exemptions allow for the sale of FTPs with menthol flavor or characterizing flavors

<sup>f</sup> Major product exemptions allow for the sale of flavored: e-cigarettes, cigars, little cigars and cigarillos, smokeless tobacco, and/or roll your own tobacco

<sup>g</sup> Includes FTP policies with missing data for any flavor, product, or retailer exemption and/or FTP policies that exempt existing retailers

\*Narrow retailer exemptions may also be present

†Narrow product exemptions may also be present

Adapted from [Donovan E, Folger S, Akbar M, Schillo B. Classifying the comprehensiveness of flavoured tobacco sales restrictions: development and application of a tool to examine US state and local tobacco policies. \*Tobacco Control\*. Published Online First: 17 December 2021. Doi: 10.1136/tobaccocontrol-2021-057042](#)

Presented below is the distribution of flavored tobacco product sales restrictions by level of comprehensiveness and corresponding proportion of the U.S. population covered. Although few sales restrictions to date are fully comprehensive, particularly at the state level, enactment of fully comprehensive sales restrictions are more common among local jurisdictions.

All policies	
Comprehensiveness level	Percent of U.S. population covered
Level 6 (most comprehensive)	3.24%
Level 5	3.55%
Level 4	8.15%
Level 3	1.30%
Level 2	11.19%
Level 1 (least comprehensive)	1.08%

**As of June 30, 2024, about 3.24% of the U.S. population was covered by a Level 6 (or most comprehensive) state or local flavored tobacco sales restriction.**

**137 jurisdictions** have fully comprehensive policies (Level 6) as of June 30, 2024.

- |  |   |  |
|--|---|--|
| 1. Adelanto, CA                          | 41. Maywood, CA                           | 81. Sausalito, CA                        |
| 2. Alameda City, CA                      | 42. Mendocino County, CA                  | 82. Scotts Valley, CA                    |
| 3. Alameda County, CA <sup>§</sup>       | 43. Menlo Park, CA                        | 83. Sebastopol, CA                       |
| <b>4. Albany, CA</b>                     | 44. Mill Valley, CA                       | 84. Solana Beach, CA                     |
| 5. Alhambra, CA                          | 45. Mono County, CA                       | 85. Soledad, CA                          |
| 6. Antioch, CA                           | 46. Monterey County, CA <sup>§</sup>      | <b>86. Sonoma County, CA<sup>§</sup></b> |
| 7. Baldwin Park, CA                      | 47. Moraga, CA                            | 87. Sunnyvale, CA                        |
| 8. Benicia, CA                           | 48. Novato, CA                            | 88. Tiburon, CA                          |
| 9. Berkeley, CA                          | 49. Oakland, CA                           | 89. Ukiah, CA                            |
| 10. Beverly Hills, CA                    | 50. Orinda, CA                            | 90. Walnut, CA                           |
| 11. Buena Park, CA                       | 51. Oroville, CA                          | 91. Watsonville, CA                      |
| 12. Burlingame, CA                       | 52. Oxnard, CA                            | 92. West Sacramento, CA                  |
| 13. Capitola, CA                         | 53. Pacific Grove, CA                     | <b>93. Willits, CA</b>                   |
| 14. Carpinteria, CA                      | 54. Palo Alto, CA                         | 94. Windsor, CA                          |
| 15. Carson, CA                           | 55. Paradise, CA                          | 95. Winters, CA                          |
| 16. Contra Costa County, CA <sup>§</sup> | 56. Pasadena, CA                          | 96. Woodland, CA                         |
| 17. Corte Madera, CA                     | 57. Petaluma, CA                          | 97. Yolo County, CA <sup>§</sup>         |
| 18. Cudahy, CA                           | 58. Pico Rivera, CA                       | 98. Aspen, CO                            |
| 19. Cupertino, CA                        | 59. Piedmont, CA                          | 99. Carbondale, CO                       |
| 20. Davis, CA                            | 60. Pleasanton, CA                        | 100. Edgewater, CO                       |
| 21. Dublin, CA                           | 61. Portola Valley, CA                    | 101. Glenwood Springs, CO                |
| 22. East Palo Alto, CA                   | 62. Ross, CA                              | 102. Golden, CO                          |
| 23. El Monte, CA                         | 63. Sacramento, CA                        | 103. Snowmass Village, CO                |
| 24. Fairfax, CA                          | 64. Sacramento County, CA                 | 104. Evanston, IL                        |
| 25. Fremont, CA                          | 65. San Anselmo, CA                       | 105. <b>Brookline, MA<sup>a</sup></b>    |
| 26. Goleta, CA                           | 66. San Benito County, CA                 | 106. Chatham, MA                         |
| 27. Guadalupe, CA                        | 67. San Carlos, CA                        | 107. Dedham, MA                          |
| 28. Half Moon Bay, CA                    | 68. San Francisco, CA                     | 108. Lynn, MA                            |
| 29. Hayward, CA                          | 69. San Leandro, CA                       | <b>109. Malden, MA<sup>b</sup></b>       |
| 30. Hermosa Beach, CA                    | 70. San Mateo, CA                         | <b>110. Melrose, MA<sup>b</sup></b>      |
| 31. Humboldt County, CA                  | 71. San Mateo County, CA <sup>§</sup>     | 111. North Attleboro, MA                 |
| 32. Imperial Beach, CA                   | 72. San Pablo, CA                         | 112. Norwood, MA                         |
| 33. Lafayette, CA                        | 73. San Rafael, CA                        | <b>113. Reading, MA<sup>b</sup></b>      |
| 34. Larkspur, CA                         | 74. Santa Ana, CA                         | 114. Shrewsbury, MA                      |
| 35. Livermore, CA                        | 75. Santa Barbara County, CA <sup>§</sup> | <b>115. Stoneham, MA<sup>b</sup></b>     |
| 36. Los Angeles County, CA <sup>§</sup>  | 76. Santa Clara County, CA <sup>§</sup>   | <b>116. Wakefield, MA<sup>b</sup></b>    |
| 37. Los Gatos, CA                        | 77. Santa Cruz, CA                        | <b>117. Winchester, MA<sup>b</sup></b>   |
| 38. Mammoth Lakes, CA                    | 78. Santa Cruz County, CA <sup>§</sup>    | 118. Winthrop, MA                        |
| 39. <b>Manhattan Beach, CA</b>           | 79. Santa Maria, CA                       | 119. Bangor, ME                          |
| 40. Marin County, CA <sup>§</sup>        | 80. Saratoga, CA                          | 120. Bar Harbor, ME                      |



121. Brunswick, ME  
122. Falmouth, ME  
**123. Hallowell, ME**  
124. Portland, ME  
125. South Portland, ME  
126. Arden Hills, MN

127. Bloomington, MN  
128. Brown's Valley, MN  
129. Edina, MN  
130. Golden Valley, MN  
131. Mendota Heights, MN  
132. Moorhead, MN

133. Richfield, MN  
134. Traverse County, MN  
135. Wheaton, MN  
136. Bexley, OH  
137. Grandview Heights, OH

Jurisdictions highlighted in **green** had policies that either were passed between 04/01/2024 and 06/30/2024, have an existing policy that removed exemptions for menthol/mint/wintergreen flavored products between 04/01/2024 and 06/30/2024, or were updated retroactively upon further examination during the period 04/01/2024 and 06/30/2024; thus making the policy comprehensive.

Jurisdictions restricting all tobacco product sales are in **bold**.

§ Restriction applies to unincorporated part of county

<sup>a</sup> Prohibits sales of tobacco and e-cigarette products to those born on or after 1/1/2000.

<sup>b</sup> Prohibits sales of tobacco and e-cigarette products to those born on or after 1/1/2004.