

Flavored tobacco policy restrictions

as of September 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 September 30, 2024, about 27.52% of the U.S. population was living in a jurisdiction with a flavored tobacco sales restriction in effect.*

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

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

- States = 8
- Full Counties = 10
- Unincorporated Counties = 18
- Cities = 205
- Towns = 159
- 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 September 30, 2024:

- California = 151[‡]
- Colorado = 7
- Georgia = 1
- Illinois = 5
- Maine = 9[‡]
- Maryland = 2[‡]
- Massachusetts = 173[‡]
- Minnesota = 30
- New Jersey = 5[‡]
- New York = 5[‡]
- North Dakota = 3
- Ohio = 5
- Rhode Island = 4[‡]
- Utah = 1[‡]

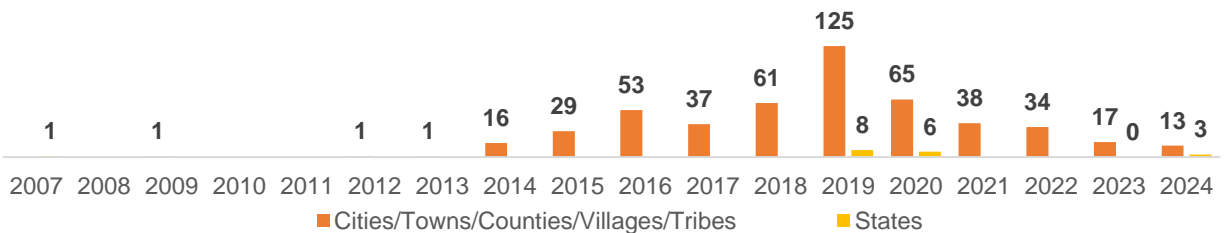
[‡] Includes statewide policies

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

- Oglala Sioux Tribe[^]
- Turtle Mountain Band of Chippewa Indians Tribe[^]
- Saint Regis Mohawk Tribe

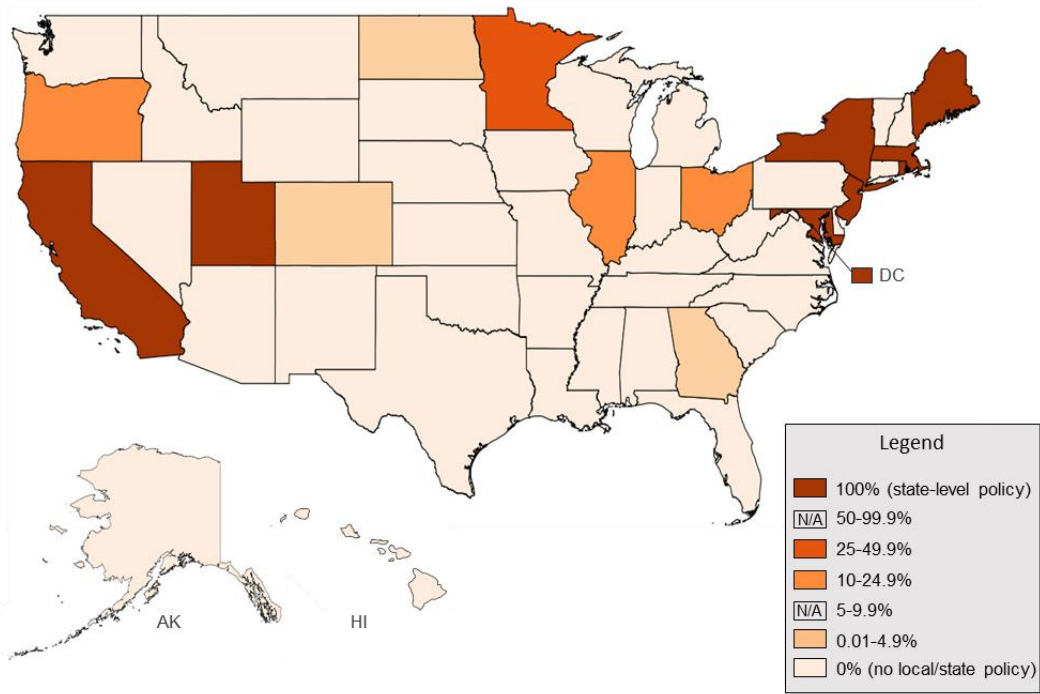
[^] Bans all e-cigarette products

Flavored Tobacco Policies Passed By Year

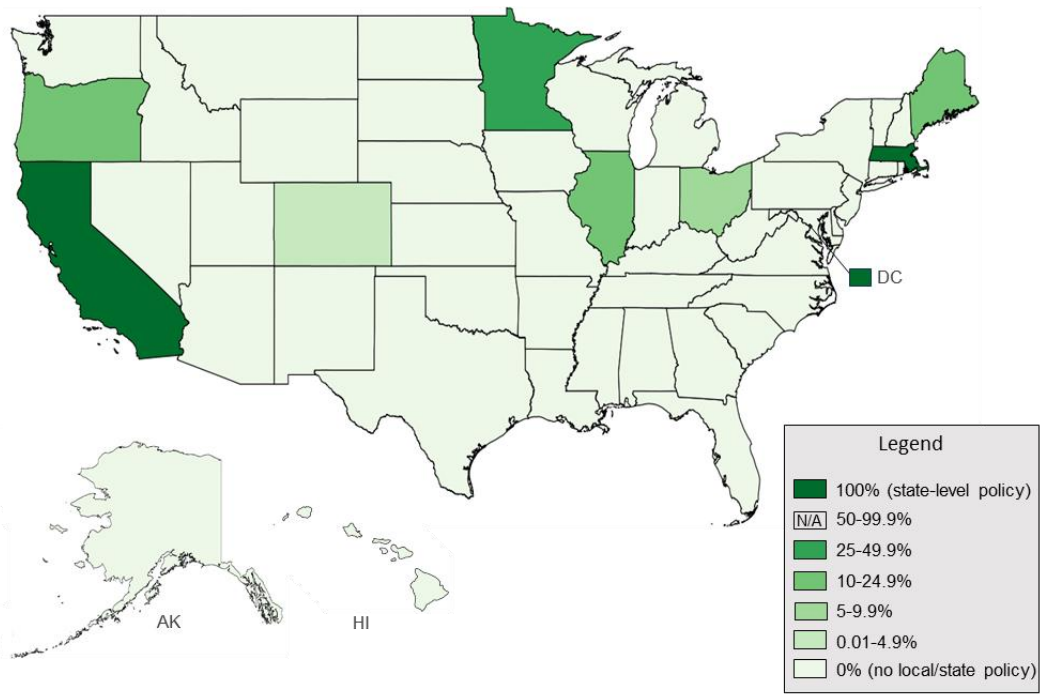


* Note: since the Q2 2023 report, the population coverage methodology has been updated to use implementation dates and more recent Census data.

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



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



STATEWIDE POLICIES AS OF SEPTEMBER 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.[†]
- **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.

[†] "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:

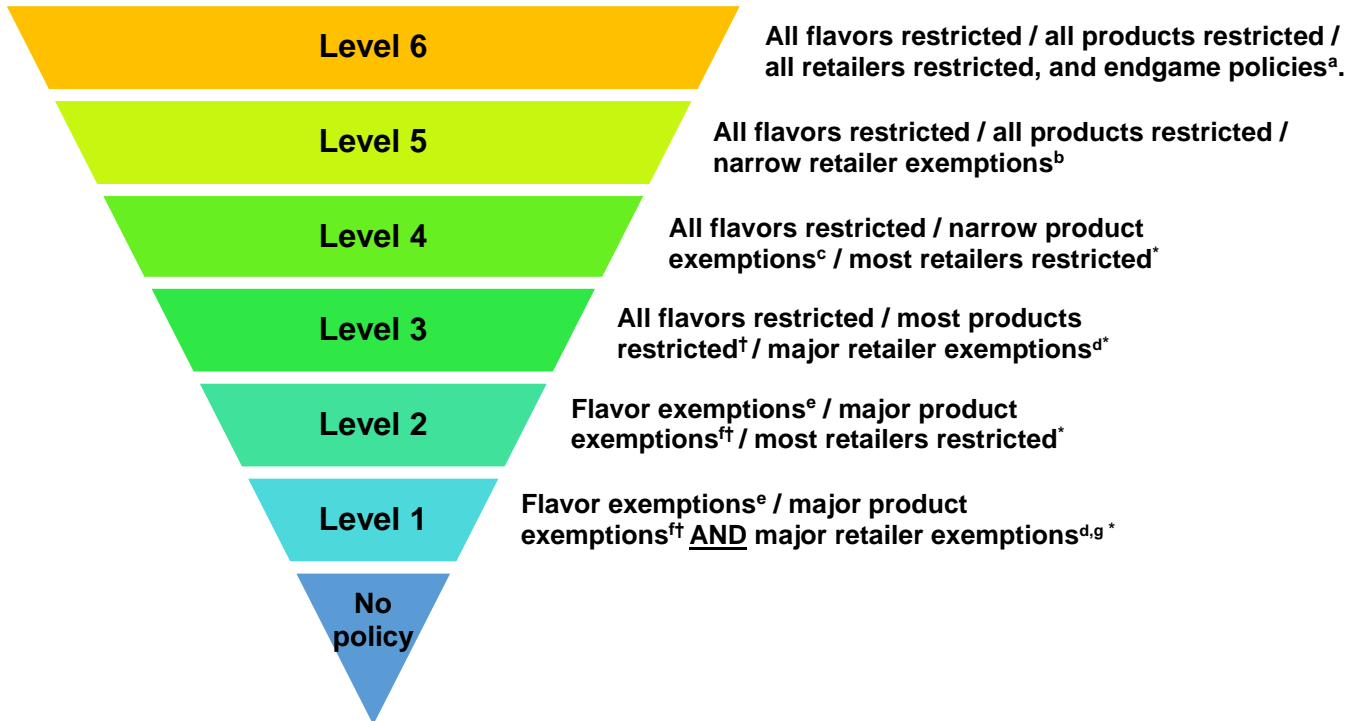
- **Multnomah County, OR:** In February 2024, the Oregon Court of Appeals issued an order that extends its temporarily halt of the county's enforcement of the new flavored tobacco sales ban.
- **Washington County, OR:** In May 2024, the Oregon Court of Appeals upheld Washington County's law ending the 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.



^a Endgame policies refer to restrictions on the sale of all tobacco products in a jurisdiction.

^b 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)

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

^d 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)

^e Flavor exemptions allow for the sale of FTPs with menthol flavor or characterizing flavors

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

^g 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)	3.54%
Level 5	3.56%
Level 4	7.85%
Level 3	1.30%
Level 2	11.19%
Level 1 (least comprehensive)	0.09%

As of September 30, 2024, about 3.54% of the U.S. population was covered by a Level 6 (or most comprehensive) state or local flavored tobacco sales restriction.

136 jurisdictions have fully comprehensive policies (Level 6) as of September 30, 2024.

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

- | | | |
|-------------------------|--------------------------|----------------------------|
| 121. Falmouth, ME | 127. Brown's Valley, MN | 133. Traverse County, MN |
| 122. Hallowell, ME | 128. Edina, MN | 134. Wheaton, MN |
| 123. Portland, ME | 129. Golden Valley, MN | 135. Bexley, OH |
| 124. South Portland, ME | 130. Mendota Heights, MN | 136. Grandview Heights, OH |
| 125. Arden Hills, MN | 131. Moorhead, MN | |
| 126. Bloomington, MN | 132. Richfield, MN | |

Jurisdictions highlighted in **green** had policies that either were passed between 07/01/2024 and 09/30/2024, have an existing policy that removed exemptions for menthol/mint/wintergreen flavored products between 07/01/2024 and 09/30/2024, or were updated retroactively upon further examination during the period 07/01/2024 and 09/30/2024; thus making the policy comprehensive.

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

§ Restriction applies to unincorporated part of county

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

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

The following jurisdictions prohibit sales of flavors such as fruit, candy, alcohol, or dessert, excluding tobacco flavor but do not include menthol flavors. These jurisdictions differ in whether they include menthol/mint/wintergreen flavors across product types – for example in some jurisdictions the sale of menthol in e-cigarettes is not permitted, but menthol flavored cigarettes, cigars, and other products such as hookah are still sold.

As of September 30, 2024, in **40 jurisdictions and three tribes**, menthol/mint/wintergreen flavored products are exempted:

- | | | |
|--|--|--|
| 1. California (state) ●● | 16. Prior Lake, MN ●●●● | 31. New York, NY ●●●● |
| 2. Boulder, CO ●●●● | 17. Robbinsdale, MN ●●●● | 32. Yonkers, NY ●●●● |
| 3. Watkinsville, GA ●●●● | 18. Shakopee, MN ●●●● | 33. Columbus, OH ● |
| 4. Chicago, IL ●●● ^a | 19. St. Louis Park, MN ●●●● | 34. Toledo, OH ●●●● |
| 5. Cook County, IL ●●●● | 20. Cando, ND ●●● | 35. Worthington, OH ● |
| 6. River Forest, IL ●●●● | 21. Linton, ND ●●● | 36. Rhode Island (state) ●●●● |
| 7. Skokie, IL ●●●● | 22. Valley City, ND ●●●● | 37. Central Falls, RI ●●●● |
| 8. Maryland (state) ●●●● | 23. New Jersey (state) ●●●● | 38. Johnston, RI ●●●● |
| 9. Montgomery County, MD ●●●● | 24. Hanover Township, NJ ●●●● | 39. Providence, RI ●●●● |
| 10. Maine (state) ●●●● | 25. Jersey City, NJ ●●●● | 40. Utah (state) ●●●● |
| 11. Rockland, ME ●●●● | 26. Vineland, NJ ●●●● | 41. Oglala Sioux Tribe ●●●● |
| 12. Big Stone County, MN ●●●● | 27. Westfield, NJ ●●●● | 42. Saint Regis Mohawk Tribe ●●●● |
| 13. Dilworth, MN ●●●● | 28. New York (state) ●●●● | 43. Turtle Mountain Band of Chippewa Indians Tribe ●●●● |
| 14. New Hope, MN ●●●● | 29. Hempstead, NY ●●●● | |
| 15. Nobles County, MN ●●●● | 30. Nassau County, NY ●●●● ^b | |

Flavored e-cigarette policies are in ***bold italics***

- = exempts menthol cigarettes
- = exempts menthol e-cigarettes
- = exempts any menthol cigars (includes premium cigars, cigars, little cigars, or cigarillos)
- = exempts other menthol tobacco products (i.e. pipe tobacco, hookah/waterpipe, smokeless tobacco, roll-your-own tobacco)

^a In addition to restricting the sale of flavored e-cigarettes, Chicago restricts the sale of flavored tobacco products, including menthol flavor, only within 500 linear feet of a secondary school.

^b In addition to restricting the sale of non-menthol flavored e-cigarettes, Nassau County restricts the sale of e-cigarettes, including menthol flavor, only within 1,000 linear feet of a school, park or playground.

As stated above, the FDA's [January 2020 flavored e-cigarette compliance policy](#) leaves many flavored e-cigarettes on the market. However, local and state jurisdictions have taken action to target e-cigarette sales, whether they are flavored or not.

As of September 31, 2024, **61 jurisdictions and two tribes** have banned the sale of all e-cigarettes.

- Alameda County, CA[§]
- Antioch, CA
- Arroyo Grande, CA
- Benicia, CA
- Beverly Hills, CA
- Calabasas, CA
- Carpinteria, CA
- Carson, CA
- Cerritos, CA
- Concord, CA
- Contra Costa County, CA[§]
- Danville, CA
- Dublin, CA
- East Palo Alto, CA
- Emeryville, CA
- Foster City, CA
- Hayward, CA
- Livermore, CA
- Los Altos, CA
- Los Gatos, CA
- Manhattan Beach, CA
- Menlo Park, CA
- Monterey County, CA[§]
- Moraga, CA
- Morgan Hill, CA
- Morro Bay, CA
- Orinda, CA
- Pacifica, CA
- Palo Alto, CA
- Pleasant Hill, CA
- Pleasanton, CA
- Redwood City, CA
- Richmond, CA
- San Luis Obispo, CA
- San Luis Obispo County, CA[§]
- San Mateo, CA
- San Mateo County, CA[§]
- Santa Clara County, CA[§]
- Santa Rosa, CA
- Saratoga, CA
- Sebastopol, CA
- Sonoma County, CA
- South San Francisco, CA
- Walnut Creek, CA
- Watsonville, CA
- Windsor, CA
- Washington, DC^{||}
- Bellingham, MA
- Blackstone, MA
- Brookline, MA^a
- Dedham, MA
- Hull, MA
- Malden, MA
- Montgomery County, MD^{||}
- Brown's Valley, MN
- St. Louis Park, MN
- Traverse County, MN
- Wheaton, MN
- Hanover Township, NJ
- Hempstead, NY^{||}
- Nassau County, NY^{||}
- Oglala Sioux Tribe
- Turtle Mountain Band of Chippewa Indians Tribe

^a Beginning July 19, 2021, Brookline prohibited the sale of tobacco or e-cigarette products to those born after 1/1/2000.

^{||} Restriction only applies to a buffer zone, meaning it only applies to retailers within a specified distance of youth-oriented areas, such as schools, parks, playgrounds, and libraries.

AREA INCLUSIONS AND RETAILER/VENUE EXEMPTIONS

Some jurisdictions include and/or exempt particular venues in their flavored tobacco restriction policies.

Jurisdictions with a restriction around schools:

- Washington, DC
- Chicago, IL
- Hempstead, NY
- Montgomery County, MD
- Nassau County, NY
- Westfield, NJ

Jurisdictions with a restriction around parks:

- Hempstead, NY
- Nassau County, NY
- Westfield, NJ

Jurisdictions with a restriction around playgrounds:

- Hempstead, NY
- Nassau County, NY

Jurisdictions with a restriction around libraries:

- Montgomery County, MD

Jurisdictions that exempt smoking/tobacco bars and/or e-cigarette establishments:

1. Massachusetts (state)
2. Westfield, NJ
3. Toledo, OH
4. Barrington, RI
5. Central Falls, RI
6. Johnston, RI
7. Providence, RI

Jurisdictions that exempt adult-only retailers, retail stores that primarily sell tobacco, or specialty retail establishments with a specified percent of tobacco revenue sales:

- Chicago, IL (80%)^{b,c}
- Arden Hills, MN^a
- Benton County, MN (90%)^{a,b}
- Columbia Heights, MN (90%)^{a,b}
- Duluth, MN (90%)^b
- Falcon Heights, MN (90%)^{a,b}
- Fridley, MN (90%)^{a,b}
- Hennepin County, MN (90%)^{a,b}
- Lauderdale, MN (90%)^{a,b}
- Minneapolis, MN (90%)^{a,b}
- New Hope, MN (90%)^{a,b}
- Nobles County, MN (90%)^{b,c}
- Robbinsdale, MN (90%)^b
- Roseville, MN (90%)^{a,b}
- Shoreview, MN (90%)^{a,b}
- St. Paul, MN (90%)^{a,b}
- Westfield, NJ^a
- Toledo, OH (60%)^b
- Utah (state) (35%)^{a,b,c}

^a Exempt 21+ adult retailers

^b Exempt specialty stores/retail establishments with specified %

^c Exempt retail stores that primarily sell tobacco

Jurisdictions that include venue-based exemptions with some exceptions:

- **Washington, DC:** Exempts hookah bars doing business in the District as of September 30, 2021.
- **Benton County, MN:** Exempts tobacco shops that meet certain building and structural criteria.
- **Minneapolis, MN:** Menthol/mint/wintergreen flavors are exempted at 21+ adult retailers.
- **Nobles County, MN:** Exempts adult-only retail establishments that derive at least 90% of their revenue from the sale of tobacco products and meet certain building or structural criteria and exempts liquor stores.
- **New York, NY:** Exemption for smoking bar does not include e-cigarettes.