

# Flavored tobacco policy restrictions

as of March 31, 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

From January 1, 2024 to March 31, 2024, about 28.48% of the U.S. population was living in a jurisdiction with a flavored tobacco sales restriction in effect.\*

From January 1, 2024 to March 31, 2024, about 16.22% of the U.S. population was living in a jurisdiction with a menthol cigarette sales restriction in effect.

**400 U.S. jurisdictions\*** have some type of Restriction on Flavored Tobacco Product Sales as of March 31, 2024:

- States = 8
- Full Counties = 10
- Unincorporated Counties = 17
- Cities = 200
- 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.

**15 states** have at least one jurisdiction with a Flavored Tobacco Sales Restriction as of March 31, 2024:

- California = 143<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>

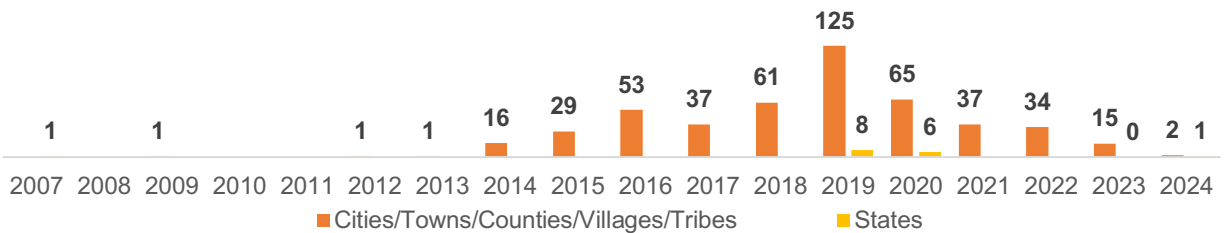
<sup>‡</sup> Includes statewide policies

**3 Native American tribes** have a Flavored Tobacco Sales Restriction enforced within their territory as of March 31, 2024:

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

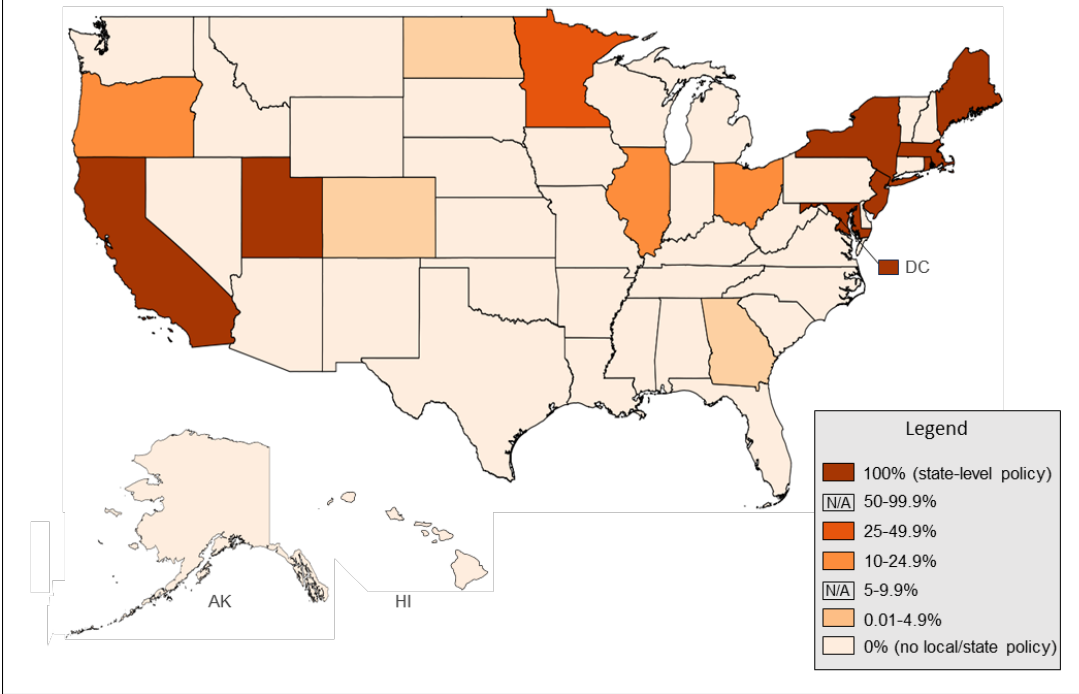
<sup>^</sup> Bans all e-cigarette products

### Flavored Tobacco Policies Passed By Year

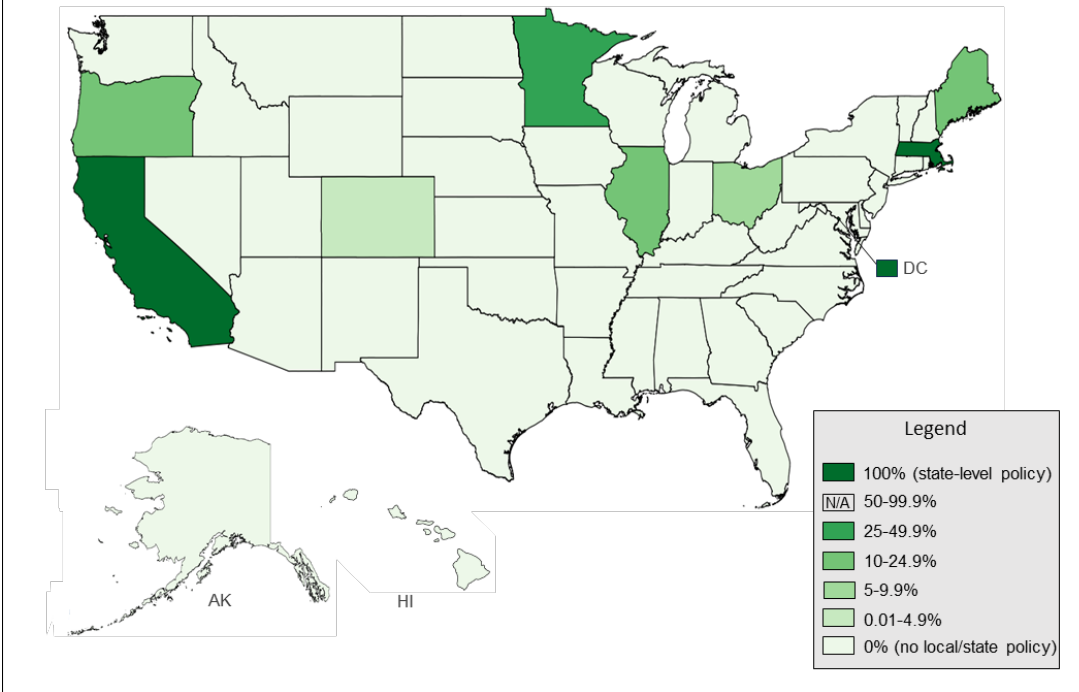


\* Note: since the Q2 2023 report, the population coverage methodology has been updated to use implementation dates and more recent Census data.

Percent of state population covered by a flavored tobacco sales restriction  
As of March 31, 2024



Percent of state population covered by a menthol cigarette sales restriction  
As of March 31, 2024



## STATEWIDE POLICIES AS OF MARCH 31, 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. The law is currently being litigated.

## JURISDICTIONS WITH PENDING BALLOT MEASURES OR LITIGATION:

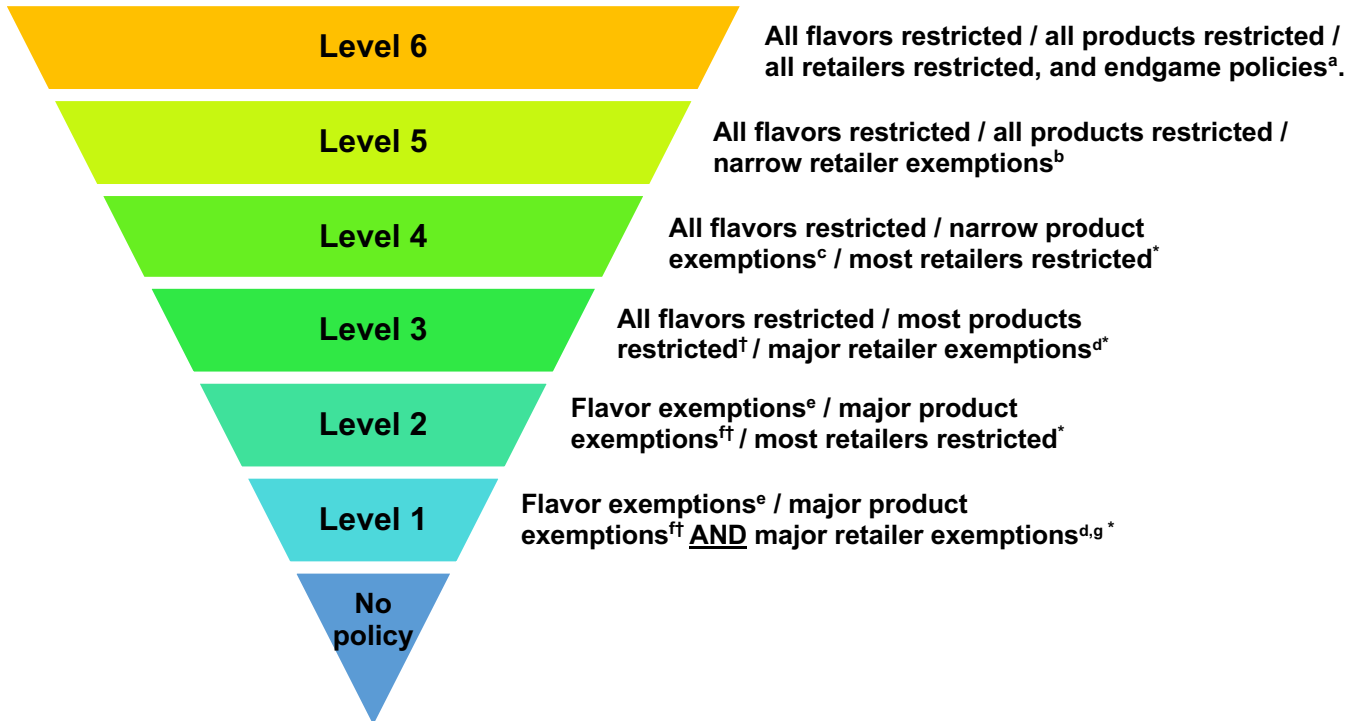
- **Multnomah County, OR:** In February 2024, the Oregon Court of Appeals issued an order that extends its temporarily halt of the county’s enforcement of the new flavored tobacco sales ban.
- **Washington County, OR:** In September 2022, a county judge ruled against the county’s restriction on the sale of flavored tobacco products. While the county is appealing, a preliminary injunction putting the ordinance on hold remains in effect.

## **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)	3.23%
Level 5	3.55%
Level 4	8.15%
Level 3	1.30%
Level 2	11.19%
Level 1 (least comprehensive)	1.08%

**From January 1, 2024 to March 31, 2024, about 3.23% of the U.S. population was covered by a Level 6 (or most comprehensive) state or local flavored tobacco sales restriction.**

**127 jurisdictions** have fully comprehensive policies (Level 6) as of March 31, 2024.

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

Source: Truth Initiative



118. Brown's Valley, MN

119. Edina, MN

120. Golden Valley, MN

121. Mendota Heights, MN

122. Moorhead, MN

123. Richfield, MN

124. Traverse County, MN

125. Wheaton, MN

126. Bexley, OH

127. Grandview Heights, OH

Jurisdictions highlighted in **green** had policies that either were passed between 01/01/2024 and 03/31/2024, have an existing policy that removed exemptions for menthol/mint/wintergreen flavored products between 01/01/2024 and 03/31/2024, or were updated retroactively upon further examination during the period 01/01/2024 and 03/31/2024; 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 after 1/1/2000.

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 March 31, 2024, in **214 jurisdictions and three tribes**, menthol/mint/wintergreen flavored products are exempted:

- |  |                                 |                                |
|--|---------------------------------|--------------------------------|
| 1. California (state) ●●                     | 35. <b>River Forest, IL</b> ●●● | 70. Duxbury, MA ●●●●           |
| 2. Anderson, CA ●●●                          | 36. <b>Skokie, IL</b> ●●●●      | 71. East Longmeadow, MA ●●●●●  |
| 3. <b>Arroyo Grande, CA</b> ●●●●             | 37. Adams, MA ●●●●              | 72. Easthampton Town, MA ●●●●● |
| 4. Auburn, CA ●●                             | 38. Agawam Town, MA ●●●●●       | 73. Easton, MA ●●●●            |
| 5. Burbank, CA ●                             | 39. Amherst, MA ●●●●            | 74. Edgartown, MA ●●●●●        |
| 6. <b>Calabasas, CA</b> ●●●●                 | 40. Andover, MA ●●●●            | 75. Essex, MA ●●●●             |
| 7. <b>Cerritos, CA</b> ●●●●                  | 41. Arlington, MA ●●●●          | 76. Everett, MA ●●●●           |
| 8. Chula Vista, CA ●●                        | 42. Ashburnham, MA ●●●●●        | 77. Fairhaven, MA ●●●●         |
| 9. Cloverdale, CA ●●●●                       | 43. Ashby, MA ●●●●              | 78. Fitchburg, MA ●●●●         |
| 10. <b>Danville, CA</b> ●●●●                 | 44. Athol, MA ●●●●              | 79. Franklin Town, MA ●●●●●    |
| 11. El Cerrito, CA ●                         | 45. Attleboro, MA ●●●●          | 80. Gardner, MA ●●●●           |
| 12. Encinitas, CA ●                          | 46. Avon, MA ●●●●               | 81. Gill, MA ●●●●              |
| 13. Glendale, CA ●●                          | 47. Ayer, MA ●●●●               | 82. Gloucester, MA ●●●●●       |
| 14. <b>Laguna Niguel, CA</b> ●●●●            | 48. Bedford, MA ●●●●            | 83. Grafton, MA ●●●●           |
| 15. Long Beach, CA ●●                        | 49. Belmont, MA ●●●●            | 84. Granby, MA ●●●●            |
| 16. <b>Loomis, CA</b> ●●●●                   | 50. Beverly, MA ●●●●            | 85. Great Barrington, MA ●●●●● |
| 17. Morgan Hill, CA ●                        | 51. Billerica, MA ●●●●          | 86. Greenfield Town, MA ●●●●●  |
| 18. Morro Bay, CA ●●●●                       | 52. <b>Blackstone, MA</b> ●●●●  | 87. Groton, MA ●●●●            |
| 19. Napa, CA ●●                              | 53. Bolton, MA ●●●●             | 88. Hadley, MA ●●●●            |
| 20. <b>Palmdale, CA</b> ●●●●                 | 54. Braintree Town, MA ●●●●●    | 89. Halifax, MA ●●●●           |
| 21. Pinole, CA ●                             | 55. Brewster, MA ●●●●           | 90. Hamilton, MA ●●●●          |
| 22. Pleasant Hill, CA ●●                     | 56. Brockton, MA ●●●●           | 91. Hatfield, MA ●●●●          |
| 23. San Diego, CA ●                          | 57. Buckland, MA ●●●●           | 92. Haverhill, MA ●●●●         |
| 24. San Diego County, CA ●                   | 58. Cambridge, MA ●●●●          | 93. Heath, MA ●●●●             |
| 25. <b>San Jose, CA</b> ●●                   | 59. Carver, MA ●●●●             | 94. Holbrook, MA ●●●●          |
| 26. <b>San Luis Obispo, CA</b> ●●●●          | 60. Charlemont, MA ●●●●         | 95. Holden, MA ●●●●            |
| 27. <b>San Luis Obispo County, CA</b><br>●●● | 61. Charlton, MA ●●●●           | 96. Holyoke, MA ●●●●           |
| 28. Sonoma, CA ●●●●                          | 62. Chelmsford, MA ●●●●         | 97. Hopkinton, MA ●●●●         |
| 29. <b>Ventura County, CA</b> ●●●●           | 63. Clinton, MA ●●●●            | 98. <b>Hull, MA</b> ●●●●       |
| 30. West Hollywood, CA ●                     | 64. Cohasset, MA ●●●●           | 99. Ipswich, MA ●●●●           |
| 31. <b>Boulder, CO</b> ●●●●                  | 65. Concord, MA ●●●●            | 100. Kingston, MA ●●●●         |
| 32. <b>Watkinsville, GA</b> ●●●●             | 66. Conway, MA ●●●●             | 101. Lancaster, MA ●●●●        |
| 33. <b>Chicago, IL</b> ●●● <sup>a</sup>      | 67. Danvers, MA ●●●●            | 102. Lanesborough, MA ●●●●     |
| 34. <b>Cook County, IL</b> ●●●●              | 68. Deerfield, MA ●●●●          | 103. Lawrence, MA ●●●●         |
|  | 69. Dracut, MA ●●●●             | 104. Lee, MA ●●●●              |

105. Lenox, MA ●●●●
106. Leominster, MA ●●●●●
107. Leverett, MA ●●●●●
108. Littleton, MA ●●●●●
109. Lowell, MA ●●●●●
110. Ludlow, MA ●●●●●
111. Lynnfield, MA ●●●●●
112. Marblehead, MA ●●●●●
113. Marion, MA ●●●●●
114. Marlborough, MA ●●●●●
115. Marshfield, MA ●●●●●
116. Mashpee, MA ●●●●●
117. Maynard, MA ●●●●●
118. Medfield, MA ●●●●●
119. Medford, MA ●●●●●
120. Melrose, MA ●●●●●
121. Methuen Town, MA ●●●●●
122. Middleton, MA ●●●●●
123. Millis, MA ●●●●●
124. Milton, MA ●●●●●
125. Montague, MA ●●●●●
126. Natick, MA ●●●●●
127. Newburyport, MA ●●●●●
128. Newton, MA ●●●●●
129. North Adams, MA ●●●●●
130. North Reading, MA ●●●●●
131. Northampton, MA ●●●●●
132. Norton, MA ●●●●●
133. Norwell, MA ●●●●●
134. Oak Bluffs, MA ●●●●●
135. Orange, MA ●●●●●
136. Orleans, MA ●●●●●
137. Palmer Town, MA ●●●●●
138. Peabody, MA ●●●●●
139. Pittsfield, MA ●●●●●
140. Provincetown, MA ●●●●●
141. Reading, MA ●●●●●
142. Rockport, MA ●●●●●
143. Royalston, MA ●●●●●
144. Salem, MA ●●●●●
145. Sandwich, MA ●●●●●
146. Saugus, MA ●●●●●
147. Shelburne, MA ●●●●●
148. Southampton, MA ●●●●●
149. Spencer, MA ●●●●●
150. Stockbridge, MA ●●●●●
151. Stoneham, MA ●●●●●
152. Stow, MA ●●●●●
153. Sudbury, MA ●●●●●
154. Sunderland, MA ●●●●●
155. Templeton, MA ●●●●●
156. Tewksbury, MA ●●●●●
157. Tisbury, MA ●●●●●
158. Topsfield, MA ●●●●●
159. Townsend, MA ●●●●●
160. Tyngsborough, MA ●●●●●
161. Upton, MA ●●●●●
162. Uxbridge, MA ●●●●●
163. Wakefield, MA ●●●●●
164. Wareham, MA ●●●●●
165. Watertown, MA ●●●●●
166. Webster, MA ●●●●●
167. Wellfleet, MA ●●●●●
168. West Boylston, MA ●●●●●
169. Westborough, MA ●●●●●
170. Westford, MA ●●●●●
171. Westminster, MA ●●●●●
172. Westwood, MA ●●●●●
173. Whately, MA ●●●●●
174. Wilbraham, MA ●●●●●
175. Williamstown, MA ●●●●●
176. Wilmington, MA ●●●●●
177. Winchendon, MA ●●●●●
178. Winchester, MA ●●●●●
179. Worcester, MA ●●●●●
180. Wrentham, MA ●●●●●
181. Yarmouth, MA ●●●●●
182. **Maryland (state)** ●●●●●
183. **Montgomery County, MD** ●●●●●
184. Maine (state) ●●●●●
185. **Rockland, ME** ●●●●●
186. **Big Stone County, MN** ●●●●●
187. **Dilworth, MN** ●●●●●
188. New Hope, MN ●●●●●
189. Nobles County, MN ●●●●●
190. **Prior Lake, MN** ●●●●●
191. Robbinsdale, MN ●●●●●
192. **Shakopee, MN** ●●●●●
193. St. Louis Park, MN ●●●●●
194. Cando, ND ●●●●●
195. Linton, ND ●●●●●
196. **Valley City, ND** ●●●●●
197. **New Jersey (state)** ●●●●●
198. **Hanover Township, NJ** ●●●●●
199. **Jersey City, NJ** ●●●●●
200. **Vineland, NJ** ●●●●●
201. **Westfield, NJ** ●●●●●
202. **New York (state)** ●●●●●
203. **Hempstead, NY** ●●●●●
204. **Nassau County, NY** ●●●●●<sup>b</sup>
205. New York, NY ●●●●●
206. **Yonkers, NY** ●●●●●
207. Columbus, OH ●●●●●
208. **Toledo, OH** ●●●●●
209. Worthington, OH ●●●●●
210. **Rhode Island (state)** ●●●●●
211. Central Falls, RI ●●●●●
212. Johnston, RI ●●●●●
213. Providence, RI ●●●●●
214. **Utah (state)** ●●●●●
215. **Oglala Sioux Tribe** ●●●●●
216. **Saint Regis Mohawk Tribe** ●●●●●
217. **Turtle Mountain Band of Chippewa Indians Tribe** ●●●●●

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)

<sup>a</sup> 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.

<sup>b</sup> 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 March 31, 2024, **58 jurisdictions and two tribes** have banned the sale of all e-cigarettes.

- Alameda County, CA<sup>§</sup>
- Antioch, CA
- Arroyo Grande, CA
- Benicia, CA
- Beverly Hills, CA
- Calabasas, CA
- Carpinteria, CA
- Carson, CA
- Cerritos, CA
- Concord, CA
- Contra Costa County, CA<sup>§</sup>
- Danville, CA
- Dublin, CA
- East Palo Alto, CA
- Foster City, CA
- Hayward, CA
- Livermore, CA
- Los Altos, CA
- Los Gatos, CA
- Manhattan Beach, CA
- Menlo Park, CA
- Monterey County, CA<sup>§</sup>
- 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<sup>§</sup>
- San Mateo, CA
- San Mateo County, CA<sup>§</sup>
- Santa Clara County, CA<sup>§</sup>
- Saratoga, CA
- Sebastopol, CA
- South San Francisco, CA
- Walnut Creek, CA
- Watsonville, CA
- Windsor, CA
- Washington, DC<sup>||</sup>
- Bellingham, MA
- Blackstone, MA
- Brookline, MA<sup>a</sup>
- Dedham, MA
- Hull, MA
- Malden, MA
- Montgomery County, MD<sup>||</sup>
- Brown's Valley, MN
- St. Louis Park, MN
- Traverse County, MN
- Wheaton, MN
- Hanover Township, NJ
- Hempstead, NY<sup>||</sup>
- Nassau County, NY<sup>||</sup>
- Oglala Sioux Tribe
- Turtle Mountain Band of Chippewa Indians Tribe

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

<sup>||</sup> 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. Burbank, CA           | 24. Billerica, MA        | 47. Easton, MA           |
| 2. Los Angeles, CA       | 25. Bolton, MA           | 48. Edgartown, MA        |
| 3. Pleasant Hill, CA     | 26. Boston, MA           | 49. Essex, MA            |
| 4. Rancho Cordova, CA    | 27. Braintree Town, MA   | 50. Everett, MA          |
| 5. Walnut Creek, CA      | 28. Brewster, MA         | 51. Fairhaven, MA        |
| 6. Massachusetts (state) | 29. Brockton, MA         | 52. Fitchburg, MA        |
| 7. Acton, MA             | 30. Buckland, MA         | 53. Gardner, MA          |
| 8. Adams, MA             | 31. Cambridge, MA        | 54. Gill, MA             |
| 9. Agawam Town, MA       | 32. Carver, MA           | 55. Gloucester, MA       |
| 10. Amherst, MA          | 33. Charlemont, MA       | 56. Grafton, MA          |
| 11. Andover, MA          | 34. Charlton, MA         | 57. Granby, MA           |
| 12. Arlington, MA        | 35. Chelmsford, MA       | 58. Great Barrington, MA |
| 13. Ashburnham, MA       | 36. Chelsea, MA          | 59. Greenfield Town, MA  |
| 14. Ashby, MA            | 37. Clinton, MA          | 60. Groton, MA           |
| 15. Ashland, MA          | 38. Cohasset, MA         | 61. Hadley, MA           |
| 16. Athol, MA            | 39. Concord, MA          | 62. Halifax, MA          |
| 17. Attleboro, MA        | 40. Conway, MA           | 63. Hamilton, MA         |
| 18. Avon, MA             | 41. Danvers, MA          | 64. Hanover, MA          |
| 19. Ayer, MA             | 42. Deerfield, MA        | 65. Harvard, MA          |
| 20. Barnstable Town, MA  | 43. Dracut, MA           | 66. Harwich, MA          |
| 21. Bedford, MA          | 44. Duxbury, MA          | 67. Hatfield, MA         |
| 22. Belmont, MA          | 45. East Longmeadow, MA  | 68. Haverhill, MA        |
| 23. Beverly, MA          | 46. Easthampton Town, MA | 69. Heath, MA            |

Source: Truth Initiative

70. Holbrook, MA
71. Holden, MA
72. Holyoke, MA
73. Hopkinton, MA
74. Hudson, MA
75. Kingston, MA
76. Lancaster, MA
77. Lanesborough, MA
78. Lawrence, MA
79. Lee, MA
80. Lenox, MA
81. Leominster, MA
82. Leverett, MA
83. Littleton, MA
84. Longmeadow, MA
85. Lowell, MA
86. Ludlow, MA
87. Lynnfield, MA
88. Malden, MA
89. Marblehead, MA
90. Marlborough, MA
91. Marshfield, MA
92. Mashpee, MA
93. Maynard, MA
94. Medfield, MA
95. Medford, MA
96. Melrose, MA
97. Methuen Town, MA
98. Middleboro, MA
99. Middleton, MA
100. Millis, MA
101. Milton, MA
102. Montague, MA
103. Natick, MA
104. Needham, MA
105. Newburyport, MA
106. Newton, MA
107. Norfolk, MA
108. North Adams, MA
109. North Andover, MA
110. North Reading, MA
111. Northampton, MA
112. Norton, MA
113. Norwell, MA
114. Oak Bluffs, MA
115. Orange, MA
116. Orleans, MA
117. Palmer Town, MA
118. Peabody, MA
119. Pittsfield, MA
120. Reading, MA
121. Rockport, MA
122. Royalston, MA
123. Salem, MA
124. Sandwich, MA
125. Saugus, MA
126. Sharon, MA
127. Shelburne, MA
128. Somerville, MA
129. South Hadley, MA
130. Southampton, MA
131. Spencer, MA
132. Stockbridge, MA
133. Stoneham, MA
134. Stoughton, MA
135. Stow, MA
136. Sudbury, MA
137. Sunderland, MA
138. Templeton, MA
139. Tewksbury, MA
140. Topsfield, MA
141. Townsend, MA
142. Tyngsborough, MA
143. Upton, MA
144. Uxbridge, MA
145. Wakefield, MA
146. Walpole, MA
147. Wareham, MA
148. Watertown Town, MA
149. Wellfleet, MA
150. West Boylston, MA
151. Westborough, MA
152. Westford, MA
153. Westwood, MA
154. Whately, MA
155. Wilbraham, MA
156. Williamstown, MA
157. Wilmington, MA
158. Winchendon, MA
159. Winchester, MA
160. Worcester, MA
161. Wrentham, MA
162. Yarmouth, MA
163. Westfield, NJ
164. Toledo, OH
165. Barrington, RI
166. Central Falls, RI
167. Johnston, RI
168. 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:

- Compton, CA <sup>a</sup>
- Long Beach, CA <sup>a</sup>
- Los Altos, CA (60%) <sup>a,b,c</sup>
- Pacifica, CA <sup>a</sup>
- Pleasant Hill, CA <sup>a</sup>
- Redondo Beach, CA <sup>a</sup>
- San Jose, CA <sup>a</sup>
- South San Francisco, CA <sup>a</sup>
- Chicago, IL (80%) <sup>b,c</sup>
- All MA localities <sup>a, d</sup>
- Bellingham, MA <sup>c</sup>
- Hull, MA <sup>c</sup>
- Topsfield, MA <sup>c</sup>
- Upton, MA <sup>c</sup>
- Westminster, MA <sup>c</sup>
- Arden Hills, MN <sup>a</sup>
- Benton County, MN (90%) <sup>a,b</sup>
- Columbia Heights, MN (90%) <sup>a,b</sup>
- Duluth, MN (90%) <sup>b</sup>
- Falcon Heights, MN (90%) <sup>a,b</sup>
- Fridley, MN (90%) <sup>a,b</sup>
- Hennepin County, MN (90%) <sup>a,b</sup>
- Lauderdale, MN (90%) <sup>a,b</sup>
- Minneapolis, MN (90%) <sup>a,b</sup>
- New Hope, MN (90%) <sup>a,b</sup>
- Nobles County, MN (90%) <sup>b,c</sup>
- Robbinsdale, MN (90%) <sup>b</sup>
- Roseville, MN (90%) <sup>a,b</sup>
- Shoreview, MN (90%) <sup>a,b</sup>
- St. Paul, MN (90%) <sup>a,b</sup>
- Westfield, NJ <sup>a</sup>
- Toledo, OH (60%) <sup>b</sup>
- Utah (state) (35%) <sup>a,b,c</sup>

<sup>a</sup> Exempt 21+ adult retailers

<sup>b</sup> Exempt specialty stores/retail establishments with specified %

<sup>c</sup> Exempt retail stores that primarily sell tobacco

<sup>d</sup> Excludes statewide policy, Blackstone, Brookline, Chatham, Dedham, Lynn, North Attleborough, Norwood, Shrewsbury, Sherborn, Winthrop

Jurisdictions that include venue-based exemptions with some exceptions:

- **Compton, CA:** Retailer exemptions only apply to menthol cigarettes.
- **Concord, CA:** Two hookah lounges may sell hookah products strictly for on-site use and consumption at their premises, so long as their tobacco retailer licenses are continuously maintained in good standing.
- **Culver City, CA:** Exempts hookah lounges with a valid retail license and are under the same ownership as of October 14, 2019.
- **Foster City, CA:** 21+ hookah tobacco retailers may sell flavored shisha tobacco products as long as they hold a valid tobacco retail license. Cigar lounges may sell flavored premium cigars for on-site consumption only. Restaurants that have 50% of their outdoor seating area designated as smoking areas and sell shisha tobacco products for hookah are exempt from the flavored tobacco product law.
- **La Verne, CA:** Exempts hookah businesses with a valid retail license as of July 1, 2021 and sell flavored hookah.



- **Long Beach, CA:** 21+ hookah businesses are exempted. Also exempts cigar lounges where premium cigars are bought and used.
- **Monterey, CA:** Does not apply to flavored shisha tobacco products sold at 220 Olivier Street, Monterey for on-site use, unless the retail sale of flavored shisha tobacco at this location is discontinued for a period of 90 consecutive days or more, at which time the sales of flavored shisha tobacco will be prohibited.
- **Pacifica, CA:** 21+ hookah businesses are exempted.
- **Pleasant Hill, CA:** Exempts hookah tobacco businesses which include smoking lounges, smoking bars, or adult-only tobacco retailers engaged in the retail sale of hookah.
- **Redondo Beach, CA:** 21+ hookah businesses are exempted.
- **Redwood City, CA:** Exempts businesses with a valid retail license for on-site hookah consumption as of November 22, 2021.
- **San Jose, CA:** Exemption for smoking bar only applies to premium cigars in cigar lounges where cigars are bought and used.
- **Ventura, CA:** Flavored hookah permitted for onsite use and consumption.
- **Washington, DC:** Exempts hookah bars doing business in the District as of September 30, 2021.
- **Canton, MA:** Adult store exemption does not apply to e-cigarettes.
- **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.