Cigarettes with specific characterizing flavors, other than menthol, were prohibited in the U.S. on September 22, 2009, as part of the Family Smoking Prevention and Tobacco Control Act (TCA) that gave the U.S. Food and Drug Administration (FDA) authority over tobacco products. In addition to the federal ban on flavored cigarettes, states and localities can implement additional sales restrictions to address menthol cigarettes and flavored non-cigarette tobacco products and their appeal to youth and young adults.

**States**

In November 2019, Massachusetts became the first state to restrict the sale of all flavored tobacco products, including menthol cigarettes. In 2020, New Jersey, New York and Rhode Island enacted bans on the sale of flavored e-cigarettes and California became the second state to prohibit the sale of both flavored e-cigarettes and menthol cigarettes.

1. Massachusetts\(^2\) (effective 11/27/19 for e-cigarettes; 6/1/20 for all other products)
2. New Jersey\(^4\) (effective 4/20/20)
3. New York\(^4,7\) (effective 5/18/20)
4. Rhode Island\(^4\) (effective 3/26/20)
5. California\(^6,8,9\) (implementation pending referendum vote)

In 2019, eight states—Massachusetts, Michigan, Montana, New York, Oregon, Rhode Island, Utah and Washington—issued emergency rules to temporarily ban the sale of flavored e-cigarettes. As a result of legal challenges, these orders were blocked in Michigan, New York, Oregon and Utah. The Montana and Washington state orders have expired. Massachusetts, New York and Rhode Island later enacted permanent bans.

Prior to the enactment of the Tobacco Control Act, New Jersey had already restricted the sale of flavored cigarettes, excluding menthol and clove flavors. Maine prohibits the sale of flavored non-premium cigars.

**Localities**

At least 300 localities have passed restrictions\(^*\) on the sale of flavored tobacco products, although laws differ in their application to specific products and store types (see endnotes). At least 120 of these communities—those listed in **bold**—restrict the sale of menthol cigarettes, in addition to other flavored tobacco products.
California (cont'd)
42. Livermore
43. Loomis
44. Los Altos
45. Los Angeles County
46. Los Gatos
47. Mammoth Lakes
48. Manhattan Beach
49. Marin County
50. Maywood
51. Menlo Park
52. Mill Valley
53. Mono County
54. Morgan Hill
55. Morro Bay
56. Novato
57. Oakland
58. Oroville
59. Oxnard
60. Pacific Grove
61. Palmdale
62. Palo Alto
63. Paradise
64. Pleasanton
65. Portola Valley
66. Redondo Beach
67. Richmond
68. Sacramento
69. San Anselmo
70. San Carlos
71. San Diego County
72. San Francisco
73. San Leandro
74. San Luis Obispo
75. San Luis Obispo County
76. San Mateo
77. San Mateo County
78. San Pablo
79. San Rafael
80. Santa Barbara
81. Santa Clara County
82. Santa Clarita
83. Santa Cruz
84. Santa Cruz County
85. Santa Maria
86. Saratoga
87. Sausalito
88. Sebastopol
89. Solana Beach
90. Sonoma
91. South San Francisco
92. Tiburon
93. Ventura
94. Ventura County
95. Watsonville
96. West Hollywood

California (cont'd)
97. West Sacramento
98. Windsor
99. Woodland
100. Yolo County

Colorado (5)
1. Aspen
2. Boulder
3. Carbondale
4. Glenwood Springs
5. Snowmass Village

Illinois (1)
1. Chicago

Massachusetts (168)
1. Acton
2. Adams
3. Agawam
4. Andover
5. Amherst
6. Arlington
7. Ashburnham
8. Ashby
9. Ashland
10. Athol
11. Attleboro
12. Avon
13. Ayer
14. Barnstable
15. Bedford
16. Belmont
17. Beverly
18. Billerica
19. Bolton
20. Boston
21. Braintree
22. Brewster
23. Brockton
24. Brookline
25. Buckland
26. Cambridge
27. Canton
28. Carver
29. Charlemont
30. Charlton
31. Chatham
32. Chelsea
33. Helmsford
34. Clinton
35. Cohasset
36. Concord
37. Conway
38. Danvers
39. Dedham
40. Deerfield
41. Dracut
42. Duxbury

Massachusetts (cont'd)
43. Easthampton
44. E. Longmeadow
45. East
46. Edgartown
47. Essex
48. Everett
49. Fairhaven
50. Fitchburg
51. Framingham
52. Franklin
53. Gardner
54. Gill
55. Gloucester
56. Grafton
57. Granby
58. Greenfield
59. Groton
60. Hadley
61. Halifax
62. Hamilton
63. Harvard
64. Harvard
65. Hatfield
66. Haverhill
67. Holbrook
68. Holden
69. Holyoke
70. Hopkinton
71. Ipswich
72. Lancaster
73. Lanesboro
74. Lawrence
75. Leominster
76. Lee
77. Lenox
78. Leverett
79. Littleton
80. Lowell
81. Ludlow
82. Lynn
83. Lynnfield
84. Malden
85. Marblehead
86. Marion
87. Marlboro
88. Marshfield
89. Mashpee
90. Maynard
91. Medfield
92. Medford
93. Melrose
94. Methuen
95. Middleboro
96. Middleton
97. Millis
98. Milton
99. Montague
### States & Localities with Flavored Tobacco Restrictions

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<tr>
<th>Massachusetts (cont’d)</th>
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<td>100. Natick</td>
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<td>101. Needham</td>
<td>141. Templeton</td>
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<td>102. Newburyport</td>
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<td>103. Newton</td>
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<td>104. Norfolk</td>
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<td>106. North Andover</td>
<td>146. Upton</td>
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<td>109. North Reading</td>
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<td>111. Norwell</td>
<td>151. Watertown</td>
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<td>112. Norwood</td>
<td>152. Webster</td>
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<td>113. Oak Bluffs</td>
<td>153. Wellfleet</td>
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<td>114. Orange</td>
<td>154. West Boylston</td>
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<td>115. Orleans</td>
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<td>116. Palmer</td>
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<td>121. Rockport</td>
<td>161. Williamson</td>
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<td>122. Royalston</td>
<td>162. Wilmington</td>
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<td>123. Salem</td>
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<td>124. Sandwich</td>
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<td>125. Saugus</td>
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<td>126. Sharon</td>
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<td>127. Shelburne</td>
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### Minnesota (cont’d)

|                       |                        |                        |
### Montana (1)

| 1. Missoula          |                        |                        |
|                    |                        |                        |
### New Jersey (1)

| 1. Jersey City      |                        |                        |
|                    |                        |                        |
### New York (3)

|                    |                        |                        |
### Pennsylvania (1)

| 1. Philadelphia     |                        |                        |
|                    |                        |                        |
### Rhode Island (6)

|                    |                        |                        |
|                    |                        |                        |

MA localities courtesy of the Municipal Tobacco Control Technical Assistance Program.

*The above list may not be comprehensive. It includes communities that have passed restrictions, but some have future implementation dates and/or are the subject of litigation.

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1 Chicago’s e-cigarette flavor ban is comprehensive, but restrictions on other tobacco products apply only to retailers within 500 feet of high schools and exempt adult-only tobacco retailers.
2 Exempts certain types of retailers, such as tobacco retailers (stores that receive a certain proportion of their revenue from tobacco), tobacco/smoking bars, hookah bars, e-cigarette establishments, adult-only retailers and/or liquor stores.
3 Applies only to retailers in unincorporated areas of the County.
4 Flavor restrictions only apply to e-cigarettes.
5 Exempts smokeless tobacco.
6 Exempts hookah tobacco
7 Exempts products that have received a marketing order from the FDA. Currently, no e-cigarettes have received a marketing order.
8 Exempts pipe tobacco
9 Exempts premium cigars