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.

- **Massachusetts** (effective 11/27/19 for e-cigarettes; 6/1/20 for all other products)
- New Jersey (effective 4/20/20)
- New York (effective 5/18/20)
- Rhode Island (effective 3/26/20)
- California (implementation pending referendum vote)

Two additional states—Maryland and Utah—restrict the sale of some flavored e-cigarettes. Maryland prohibits the sale of all flavored cartridge-based and disposable e-cigarettes except for menthol-flavored products, and Utah prohibits the sale of flavored e-cigarettes in non-retail tobacco specialty businesses, except mint- and menthol-flavored products.

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 345 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 150 of these communities—those listed in bold—restrict the sale of menthol cigarettes, in addition to other flavored tobacco products.
### California (cont’d)

28. Culver City
29. Cupertino
30. Danville
31. Davis
32. Delano
33. Dublin
34. East Palo Alto
35. El Cerrito
36. El Monte
37. Encinitas
38. Fairfax
39. Fremont
40. Glendale
41. Goleta
42. Guadalupe
43. Half Moon Bay
44. Hayward
45. Hermosa Beach
46. Imperial Beach
47. Lafayette
48. Laguna Niguel
49. Larkspur
50. Livermore
51. Long Beach
52. Loomis
53. Los Altos
54. Los Angeles County
55. Los Gatos
56. Mammoth Lakes
57. Manhattan Beach
58. Marin County
59. Maywood
60. Mendocino County
61. Menlo Park
62. Mill Valley
63. Mono County
64. Monterey County
65. Morgan Hill
66. Morro Bay
67. Napa
68. Novato
69. Oakland
70. Oroville
71. Oxnard
72. Pacific Grove
73. Palmdale
74. Palo Alto
75. Paradise
76. Pasadena
77. Pico Rivera
78. Pinole
79. Pleasanton
80. Portola Valley
81. Redondo Beach
82. Redwood City
83. Richmond
84. Ross
85. Sacramento
86. Sacramento County
87. San Anselmo
88. San Carlos
89. San Diego County
90. San Francisco
91. San Jose
92. San Leandro
93. San Luis Obispo
94. San Luis Obispo County
95. San Mateo
96. San Mateo County
97. San Pablo
98. San Rafael
99. Santa Ana
100. Santa Barbara County
101. Santa Clara County
102. Santa Clarita
103. Santa Cruz
104. Santa Cruz County
105. Santa Maria
106. Saratoga
107. Sausalito
108. Sebastopol
109. Solana Beach
110. Sonoma
111. South San Francisco
112. Stanton
113. Sunnyvale
114. Tiburon
115. Ventura
116. Ventura County
117. Walnut
118. Walnut Creek
119. Watsonville
120. West Hollywood
121. West Sacramento
122. Windsor
123. Woodland
124. Yolo County

### Colorado (6)

1. Aspen
2. Boulder
3. Carbondale
4. Edgewater
5. Glenwood Springs
6. Snowmass Village

### Georgia (1)

1. Watkinsville

### Illinois (2)

1. Chicago
2. River Forest

### Maine (3)

1. Bangor
2. Brunswick
3. Portland

### 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. Charlestown
30. Charlton
31. Chatham
32. Chelsea
33. Chelmsford
34. Clinton
35. Cohasset
36. Concord
37. Conway
38. Danvers
39. Dedham
40. Deerfield
41. Dracut
42. Duxbury
43. Easthampton
44. E. Longmeadow
45. Easton
46. Edgartown
47. Essex
48. Everett
49. Fairhaven
50. Fitchburg
51. Framingham
52. Franklin
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<td>131. Templeton²</td>
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<td>132. Tewksbury²</td>
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<td>86. Marion²</td>
<td>133. Topsfield²</td>
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<td>139. Walpole²</td>
<td>2. Toledo⁴</td>
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<td>140. Wareham²</td>
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<td>142. Webster²</td>
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<td>96. Middleton²</td>
<td>143. Wellfleet²</td>
<td>1. Philadelphia²⁵⁶</td>
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<td>144. West Boylston²</td>
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<td>145. Westboro²</td>
<td>1. Barrington²</td>
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<td>99. Montague²</td>
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<td>147. Westminster²</td>
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<td>102. Newburyport²</td>
<td>149. Whately</td>
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<td>109. North Reading²</td>
<td>156. Worcester²</td>
<td><strong>Rhode Island (6)</strong></td>
</tr>
</tbody>
</table>

**Notes:**
-² = City
-³ = County
-⁴ = Township
Rhode Island (cont’d)
6. Woonsocket

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.

Campaign for Tobacco-Free Kids, April 19, 2022 / Laura Bach

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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.