

Local flavored tobacco policies

as of Dec. 31, 2019

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 epidemic — [97% of youth who vape use flavored products](#) — and while the [FDA issued a policy in January 2020](#), we believe the policy is deficient and leaves many loopholes, 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 state and local policies. Implementing strong, 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 also includes a provision that allows states and localities across the country to implement their own sales restrictions on flavored tobacco products. These local actions address the regulatory gap and reduce the availability and appeal for flavored tobacco products to youth and young adults.

NATIONWIDE SUMMARY

Approximately 31,975,000 people in the US are covered by some type of state or local flavored tobacco sales restriction, representing 10.04% of the US population. (2012-2016 5-Year American Community Survey estimates). *

* Excludes coverage from temporary statewide emergency bans as of 12/31/2019

274 U.S. jurisdictions have some type of Restriction on Flavored Tobacco Product Sales as of 12/31/2019:

- States= 4
- Full Counties= 4
- Unincorporated Counties= 9
- Cities= 108
- Towns= 142
- Tribes= 6
- Villages = 1

11 states have at least one jurisdiction with a Flavored Tobacco Sales Restriction as of 12/31/2019:

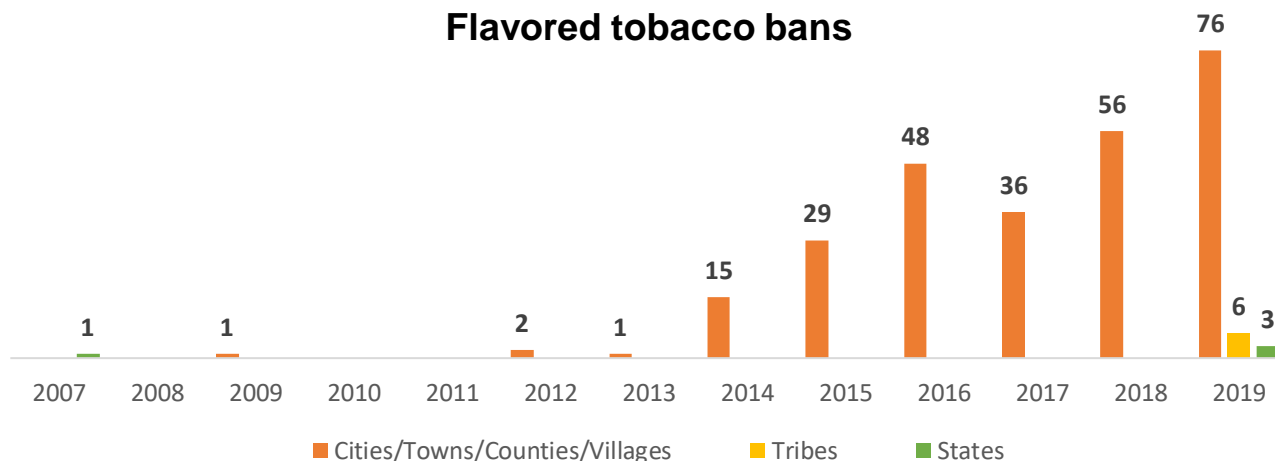
- California = 66
- Colorado = 5
- Illinois = 2
- Massachusetts = 169
- Maine = 1
- Minnesota = 13
- New Jersey = 1
- New York = 4
- Pennsylvania = 1
- Rhode Island = 5*
- Washington = 1*

* Includes a temporary statewide emergency ban as of 12/31/19

6 Indian tribes have a Flavored Tobacco Sales Restriction as of 12/31/2019:

- Oglala Sioux Tribe[^]
- Lac Courte Oreilles Tribe[^]
- Puyallup Tribe
- Turtle Mountain Band of Chippewa Indians Tribe[^]
- Saint Regis Mohawk Tribe
- Muckleshoot Tribe

[^] Bans all vaping products



STATEWIDE BANS AS OF DEC. 31, 2019:

- **Maine:** prohibits sale of all flavored cigars except for premium cigars
- **Massachusetts:** prohibits sale of all flavored tobacco products except in smoking bars[†] (effective: 6/1/2020)
 - Prohibition against sales of all flavored e-cigarettes and vaping products except in smoking bars took effect immediately in December 2019

STATEWIDE EMERGENCY BANS AS OF DEC. 31, 2019[‡]:

- **Rhode Island:** prohibits sale of all flavored e-cigarettes for 120 days (10/4/2019-2/1/2020)
- **Washington:** prohibits sale of all flavored e-cigarettes and vaping products that contain vitamin E acetate for 120 days (11/20/2019-3/19/2020)

[†]"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.

[‡]Excludes statewide emergency bans that have either expired prior to 12/31/2019 or were under active litigation.

LOCALITIES

Comprehensive menthol bans, defined as those that prohibit sales of ALL types of flavors across all products, including menthol/mint/wintergreen tobacco products, are gaining momentum at the local and state level.

88 jurisdictions have comprehensive bans as of 12/31/2019.

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|--|---|----------------------------------|
| 1. Alameda City, CA | 24. Manhattan Beach, CA | 47. Santa Maria, CA |
| 2. Albany, CA | 25. Marin County, CA [§] | 48. Sausalito, CA |
| 3. Alturas, CA | 26. Menlo Park | 49. South San Francisco, CA |
| 4. Berkeley, CA | 27. Mono County, CA | 50. Watsonville, CA |
| 5. Beverly Hills, CA | 28. Morgan Hill, CA | 51. Woodland, CA |
| 6. Burbank, CA | 29. Oakland, CA | 52. Yolo County, CA [§] |
| 7. Burlingame, CA | 30. Oxnard, CA | 53. Aspen, CO |
| 8. Capitola, CA | 31. Palo Alto, CA | 54. Carbondale, CO |
| 9. Carpinteria, CA | 32. Portola Valley, CA | 55. Glenwood Springs, CO |
| 10. Contra Costa County, CA [§] | 33. Redondo Beach, CA | 56. Snowmass Village, CO |
| 11. Corte Madera, CA | 34. Richmond, CA | 57. Chicago, IL |
| 12. Culver City, CA | 35. Sacramento, CA | 58. Massachusetts (state) |
| 13. Cupertino, CA | 36. San Anselmo, CA | 59. Ashland, MA |
| 14. Delano, CA | 37. San Carlos, CA | 60. Barnstable Town, MA |
| 15. Fremont, CA | 38. San Francisco, CA | 61. Boston, MA |
| 16. Half Moon Bay, CA | 39. San Mateo County, CA [§] | 62. Brookline, MA |
| 17. Hermosa Beach, CA | 40. San Pablo, CA | 63. Canton, MA |
| 18. Lafayette, CA | 41. San Rafael, CA | 64. Chatham, MA |
| 19. Larkspur, CA | 42. Santa Barbara County, CA [§] | 65. Framingham, MA |
| 20. Livermore, CA | 43. Santa Clara County, CA [§] | 66. Harvard, MA |
| 21. Long Beach, CA | 44. Santa Clarita, CA | 67. Harwich, MA |
| 22. Los Angeles County, CA [§] | 45. Santa Cruz County, CA [§] | 68. Longmeadow, MA |
| 23. Los Gatos, CA | 46. Santa Cruz, CA | 69. Malden, MA |

- 70. Needham, MA
- 71. North Andover, MA
- 72. Norwood, MA
- 73. Sharon, MA
- 74. Somerville, MA
- 75. South Hadley, MA
- 76. Stoughton, MA

- 77. Swampscott, MA
- 78. Walpole, MA
- 79. Arden Hills, MN
- 80. Duluth, MN
- 81. Falcon Heights, MN
- 82. Golden Valley, MN
- 83. Hennepin County, MN

- 84. Lauderdale, MN
- 85. Lilydale, MN
- 86. Minneapolis, MN
- 87. St. Paul, MN
- 88. Manheim, NY

§ Restriction applies to unincorporated part of county

The following jurisdictions prohibit sales of flavors such as fruit, candy, alcohol, or dessert, excluding tobacco flavor. Jurisdictions differ in whether or not they include menthol/mint/wintergreen flavors across product types.

In 179 jurisdictions, menthol/mint/wintergreen flavored products are exempted:

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|------------------------------------|-------------------------------|-------------------------------|
| 1. Anderson, CA ●●● | 32. Brewster, MA ●●●● | 63. Granby, MA ●●●● |
| 2. Arroyo Grande, CA ●●●● | 33. Brockton, MA ●●●● | 64. Greenfield Town, MA ●●●●● |
| 3. Auburn, CA ●● | 34. Buckland, MA ●●●● | 65. Groton, MA ●●●● |
| 4. Cloverdale, CA ●●●● | 35. Cambridge, MA ●●●● | 66. Hadley, MA ●●●● |
| 5. El Cerrito, CA ● | 36. Carver, MA ●●●● | 67. Halifax, MA ●●●● |
| 6. Fairfax, CA ●●●● | 37. Charlemont, MA ●●●● | 68. Hamilton, MA ●●●● |
| 7. Hayward, CA ● | 38. Charlton, MA ●●●● | 69. Hatfield, MA ●●●● |
| 8. Laguna Miguel, CA ●●●● | 39. Chelmsford, MA ●●●● | 70. Haverhill, MA ●●●● |
| 9. Novato, CA ●●●● | 40. Chelsea, MA ●●●● | 71. Holbrook, MA ●●●● |
| 10. San Leandro, CA ● | 41. Clinton, MA ●●●● | 72. Holden, MA ●●●● |
| 11. Saratoga, CA ●●●● | 42. Cohasset, MA ●●●● | 73. Holyoke, MA ●●●● |
| 12. Sonoma (City), CA ●●●● | 43. Concord, MA ●●●● | 74. Hopkinton, MA ●●●● |
| 13. Ventura County, CA ●●●● | 44. Conway, MA ●●●● | 75. Ipswich, MA ●●●● |
| 14. Windsor, CA ●●●● | 45. Danvers, MA ●●●● | 76. Lanesborough, MA ●●●●● |
| 15. Boulder, CO ●●● | 46. Dedham, MA ●●●● | 77. Lawrence, MA ●●●● |
| 16. River Forest, IL ●●●● | 47. Deerfield, MA ●●●● | 78. Lee, MA ●●●● |
| 17. Maine (state) ●●●● | 48. Dracut, MA ●●●● | 79. Lenox, MA ●●●● |
| 18. Adams, MA ●●●● | 49. Duxbury, MA ●●●● | 80. Leominster, MA ●●●● |
| 19. Amherst, MA ●●●● | 50. East Longmeadow, MA ●●●● | 81. Leverett, MA ●●●● |
| 20. Andover, MA ●●●● | 51. Easthampton Town, MA ●●●● | 82. Littleton, MA ●●●● |
| 21. Arlington, MA ●●●● | 52. Easton, MA ●●●● | 83. Lowell, MA ●●●● |
| 22. Ashby, MA ●●●● | 53. Edgartown, MA ●●●● | 84. Ludlow, MA ●●●● |
| 23. Athol, MA ●●●● | 54. Essex, MA ●●●● | 85. Lynnfield, MA ●●●● |
| 24. Attleboro, MA ●●●● | 55. Everett, MA ●●●● | 86. Marblehead, MA ●●●● |
| 25. Avon, MA ●●●● | 56. Fairhaven, MA ●●●● | 87. Marion, MA ●●●● |
| 26. Bedford, MA ●●●● | 57. Fitchburg, MA ●●●● | 88. Marlborough, MA ●●●● |
| 27. Belmont, MA ●●●● | 58. Franklin Town, MA ●●●● | 89. Marshfield, MA ●●●● |
| 28. Beverly, MA ●●●● | 59. Gardner, MA ●●●● | 90. Mashpee, MA ●●●● |
| 29. Billerica, MA ●●●● | 60. Gill, MA ●●●● | 91. Maynard, MA ●●●● |
| 30. Bolton, MA ●●●● | 61. Gloucester, MA ●●●● | 92. Medfield, MA ●●●● |
| 31. Braintree Town, MA ●●●● | 62. Grafton, MA ●●●● | 93. Medford, MA ●●●● |

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| 94. Melrose, MA ●●●● | 121. Salem, MA ●●●● | 148. Westford, MA ●●●● |
| 95. Methuen Town, MA ●●●●● | 122. Sandwich, MA ●●●●● | 149. Westminster, MA ●●●●● |
| 96. Middleboro, MA ●●●● | 123. Saugus, MA ●●●● | 150. Westwood, MA ●●●● |
| 97. Middleton, MA ●●●● | 124. Shelburne, MA ●●●● | 151. Whately, MA ●●●● |
| 98. Millis, MA ●●●● | 125. Sherborn, MA ●●●● | 152. Wilbraham, MA ●●●● |
| 99. Milton, MA ●●●● | 126. Shrewsbury, MA ●●●●● | 153. Williamstown, MA ●●●●● |
| 100. Montague, MA ●●●● | 127. Southampton, MA ●●●●● | 154. Winchendon, MA ●●●●● |
| 101. Natick, MA ●●●● | 128. Spencer, MA ●●●● | 155. Winchester, MA ●●●● |
| 102. Newburyport, MA ●●●●● | 129. Stockbridge, MA ●●●●● | 156. Winthrop Town, MA ●●●●● |
| 103. Newton, MA ●●●● | 130. Stoneham, MA ●●●● | 157. Wrentham, MA ●●●● |
| 104. Norfolk, MA ●●●● | 131. Stow, MA ●●●● | 158. Yarmouth, MA ●●●● |
| 105. North Adams, MA ●●●● | 132. Sudbury, MA ●●●● | 159. Mendota Heights, MN ●●●●● |
| 106. North Attleborough, MA ●●●●● | 133. Sunderland, MA ●●●●● | 160. Robbinsdale, MN ●●●●● |
| 107. North Reading, MA ●●●●● | 134. Templeton, MA ●●●●● | 161. Shoreview, MN ●●●● |
| 108. Northampton, MA ●●●●● | 135. Tewksbury, MA ●●●●● | 162. St. Louis Park, MN ●●●●● |
| 109. Norton, MA ●●●● | 136. Topsfield, MA ●●●● | 163. Jersey City, NJ ●●●● |
| 110. Norwell, MA ●●●● | 137. Townsend, MA ●●●● | 164. Nassau County, NY ●●●●● |
| 111. Oak Bluffs, MA ●●●● | 138. Tyngsborough, MA ●●●●● | 165. New York, NY ●●●● |
| 112. Orange, MA ●●●● | 139. Upton, MA ●●●● | 166. Yonkers, NY ●●●● |
| 113. Orleans, MA ●●●● | 140. Uxbridge, MA ●●●● | 167. Philadelphia, PA ●● |
| 114. Palmer Town, MA ●●●●● | 141. Wakefield, MA ●●●● | 168. Barrington, RI ●●●● |
| 115. Peabody, MA ●●●● | 142. Wareham, MA ●●●● | 169. Central Falls, RI ●●●●● |
| 116. Pittsfield, MA ●●●● | 143. Watertown, MA ●●●● | 170. Johnston, RI ●●●● |
| 117. Provincetown, MA ●●●●● | 144. Webster, MA ●●●● | 171. Providence, RI ●●●● |
| 118. Reading, MA ●●●● | 145. Wellfleet, MA ●●●● | 172. Rhode Island (state) ●●●● |
| 119. Rockport, MA ●●●● | 146. West Boylston, MA ●●●●● | 173. Washington (state) ●●●● |
| 120. Royalston, MA ●●●● | 147. Westborough, MA ●●●● | 174. All Indian Tribes (6) ●●●● |

Flavor vaping bans are in **bold**

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

As stated above, the FDA's January 2020 e-cigarette flavor policy leaves many loopholes in favor of the tobacco industry. However, local and state jurisdictions have taken action to target vaping products.

As of 12/31/2019, **16 jurisdictions** have banned all vaping products.

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| ● Arroyo Grande, CA | ● San Mateo County, CA [§] |
| ● Carpinteria, CA | ● Santa Clara County, CA [§] |
| ● Contra Costa County, CA [§] | ● South San Francisco, CA |
| ● Livermore, CA | ● Watsonville, CA |
| ● Manhattan Beach, CA | ● Malden, MA |
| ● Menlo Park, CA | ● Turtle Mountain Band of Chippewa Indians Tribe |
| ● Morgan Hill, CA | ● Oglala Sioux Tribe |
| ● Richmond, CA | |

- Lac Courte Oreilles Tribe

AREA EXEMPTIONS

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

Jurisdictions with a restriction only around schools:

- Hayward, CA
- Chicago, IL

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

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|--------------------------|--------------------------|----------------------------|
| 1. Burbank, CA | 38. East Longmeadow, MA | 75. Malden, MA |
| 2. Culver City, CA | 39. Easthampton Town, MA | 76. Marblehead, MA |
| 3. Massachusetts (state) | 40. Easton, MA | 77. Marlborough, MA |
| 4. Adams, MA | 41. Edgartown, MA | 78. Marshfield, MA |
| 5. Amherst, MA | 42. Essex, MA | 79. Mashpee, MA |
| 6. Andover, MA | 43. Everett, MA | 80. Maynard, MA |
| 7. Arlington, MA | 44. Fairhaven, MA | 81. Medfield, MA |
| 8. Ashby, MA | 45. Fitchburg, MA | 82. Medford, MA |
| 9. Ashland, MA | 46. Framingham, MA | 83. Melrose, MA |
| 10. Athol, MA | 47. Gardner, MA | 84. Methuen Town, MA |
| 11. Attleboro, MA | 48. Gill, MA | 85. Middleboro, MA |
| 12. Avon, MA | 49. Gloucester, MA | 86. Middleton, MA |
| 13. Bedford, MA | 50. Grafton, MA | 87. Millis, MA |
| 14. Belmont, MA | 51. Granby, MA | 88. Milton, MA |
| 15. Beverly, MA | 52. Greenfield Town, MA | 89. Montague, MA |
| 16. Billerica, MA | 53. Groton, MA | 90. Natick, MA |
| 17. Bolton, MA | 54. Hadley, MA | 91. Needham, MA |
| 18. Boston, MA | 55. Halifax, MA | 92. Newburyport, MA |
| 19. Braintree Town, MA | 56. Hamilton, MA | 93. Newton, MA |
| 20. Brewster, MA | 57. Harwich, MA | 94. Norfolk, MA |
| 21. Brockton, MA | 58. Hatfield, MA | 95. North Adams, MA |
| 22. Buckland, MA | 59. Haverhill, MA | 96. North Andover, MA |
| 23. Cambridge, MA | 60. Holbrook, MA | 97. North Attleborough, MA |
| 24. Carver, MA | 61. Holden, MA | 98. North Reading, MA |
| 25. Charlemont, MA | 62. Holyoke, MA | 99. Northampton, MA |
| 26. Charlton, MA | 63. Hopkinton, MA | 100. Norton, MA |
| 27. Chelmsford, MA | 64. Lanesborough, MA | 101. Norwell, MA |
| 28. Chelsea, MA | 65. Lawrence, MA | 102. Oak Bluffs, MA |
| 29. Clinton, MA | 66. Lee, MA | 103. Orange, MA |
| 30. Cohasset, MA | 67. Lenox, MA | 104. Orleans, MA |
| 31. Concord, MA | 68. Leominster, MA | 105. Palmer Town, MA |
| 32. Conway, MA | 69. Leverett, MA | 106. Peabody, MA |
| 33. Danvers, MA | 70. Littleton, MA | 107. Pittsfield, MA |
| 34. Dedham, MA | 71. Longmeadow, MA | 108. Provincetown, MA |
| 35. Deerfield, MA | 72. Lowell, MA | 109. Reading, MA |
| 36. Dracut, MA | 73. Ludlow, MA | 110. Rockport, MA |
| 37. Duxbury, MA | 74. Lynnfield, MA | 111. Royalston, MA |

Source: Truth Initiative

112. Salem, MA	126. Templeton, MA	140. Westford, MA
113. Sandwich, MA	127. Tewksbury, MA	141. Westwood, MA
114. Saugus, MA	128. Topsfield, MA	142. Whately, MA
115. Shelburne, MA	129. Townsend, MA	143. Wilbraham, MA
116. Shrewsbury, MA	130. Tyngsborough, MA	144. Williamstown, MA
117. South Hadley, MA	131. Upton, MA	145. Winchendon, MA
118. Southampton, MA	132. Uxbridge, MA	146. Winchester, MA
119. Spencer, MA	133. Wakefield, MA	147. Winthrop Town, MA
120. Stockbridge, MA	134. Wareham, MA	148. Wrentham, MA
121. Stoneham, MA	135. Watertown Town, MA	149. Yarmouth, MA
122. Stoughton, MA	136. Webster, MA	150. Barrington, RI
123. Stow, MA	137. Wellfleet, MA	151. Central Falls, RI
124. Sudbury, MA	138. West Boylston, MA	152. Johnston, RI
125. Sunderland, MA	139. Westborough, MA	153. 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:

- Los Gatos, CA (60%)^{b,c,d}
- Oakland, CA (60%)^{a,c}
- Palo Alto, CA (60%)^{b,c,d}
- Redondo Beach, CA^b
- South San Francisco, CA^b
- Chicago, IL (80%)^{c,d}
- All MA localities^{b,◇}
- Upton, MA^d
- Westminster, MA^d
- Duluth, MN (90%)^c
- Falcon Heights, MN (90%)^{b,c}
- Hennepin County, MN (90%)^{b,c}
- Lauderdale, MN (90%)^{b,c}
- Robbinsdale, MN (90%)^c
- Shoreview, MN (90%)^{a,c}
- St. Paul, MN (90%)^{b,c}
- Minneapolis, MN (90%)^{b,d}

^a Exempt 18+ adult retailers

^b Exempt 21+ adult retailers

^c Exempt specialty stores/retail establishments with specified %

^d Exempt retail stores that primarily sell tobacco

[◇] Excludes statewide policy, Brookline, Canton, Chatham, Norwood, Sherborn

Jurisdictions that include venue-based exemptions with some exceptions:

- **Philadelphia, PA:** Adult store exemption only applies for e-cigarette sales
- **New York, NY:** Exemption from smoking bar does not include e-cigarettes
- **Minneapolis, MN:** Menthol/mint/wintergreen flavors are exempted at 21+ adult retailers
- **St. Paul, MN:** Menthol/mint/wintergreen flavors are exempted at 21+ adult retailers
- **Redondo Beach, CA:** 21+ hookah businesses are exempted
- **Canton, MA:** Adult store exemption does not apply to e-cigarettes