

# Flavored tobacco policy restrictions

as of December 31, 2021

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 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 2021, the FDA announced its commitment to develop product standards within a year that would ban menthol cigarette and flavored cigar sales in the US, a proposed rule has not yet been issued. These local actions help close the federal regulatory gap and reduce the availability and appeal of flavored tobacco products to youth and young adults.

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**NOTE:** The methodology used to generate estimates for comprehensiveness of a flavored tobacco product sales restriction has been updated to follow the classification scheme published in Donovan et al. 2021. Corrections were made from prior reports in the interpretation of policies in San Jose, CA and Canton, MA.

## NATIONWIDE SUMMARY

Approximately, 63,510,445 people in the U.S. are covered by a flavored tobacco sales restriction, representing 19.56% of the U.S. population.

**353 U.S. jurisdictions\*** have some type of Restriction on Flavored Tobacco Product Sales as of December 31, 2021:

- States= 7
- Full Counties= 6
- Unincorporated Counties= 14
- Cities= 164
- Towns= 160
- 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 December 31, 2021:

- California = 116
- Colorado = 6
- Georgia = 1
- Illinois = 3
- Massachusetts = 179<sup>‡</sup>
- Maine = 2<sup>‡</sup>
- Maryland = 2<sup>‡</sup>
- Minnesota = 25
- New Jersey = 5<sup>‡</sup>
- New York = 6<sup>‡</sup>
- Ohio = 2
- Oregon = 1
- Rhode Island = 4<sup>‡</sup>
- Utah = 1<sup>‡</sup>

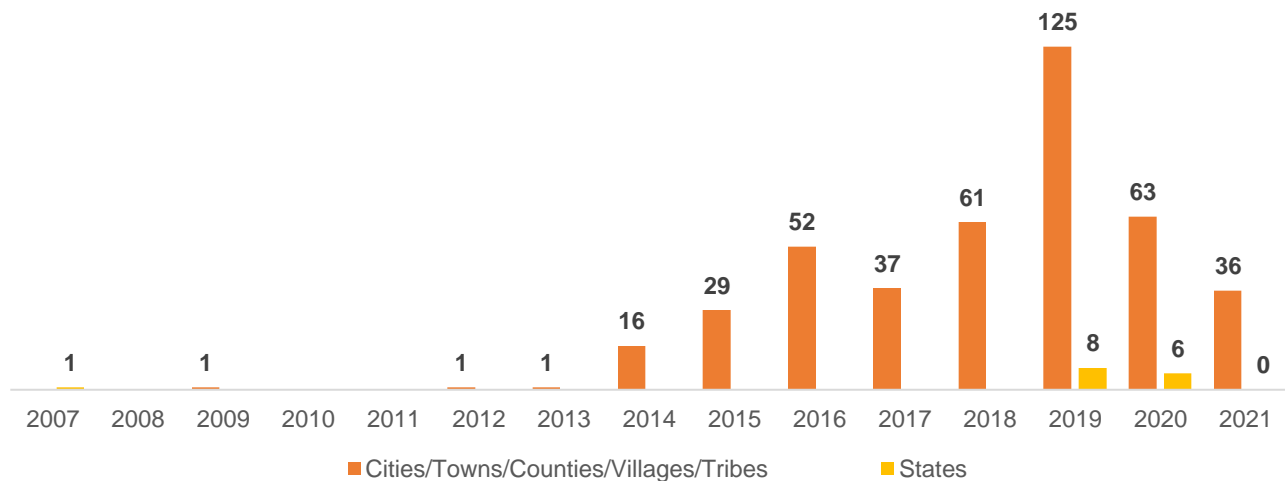
<sup>‡</sup> Includes statewide policies

**3 Native American tribes** have a Flavored Tobacco Sales Restriction enforced within their territory as of December 31, 2021:

- 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



Source: Truth Initiative

## STATEWIDE POLICIES AS OF DECEMBER 31, 2021:

- **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.

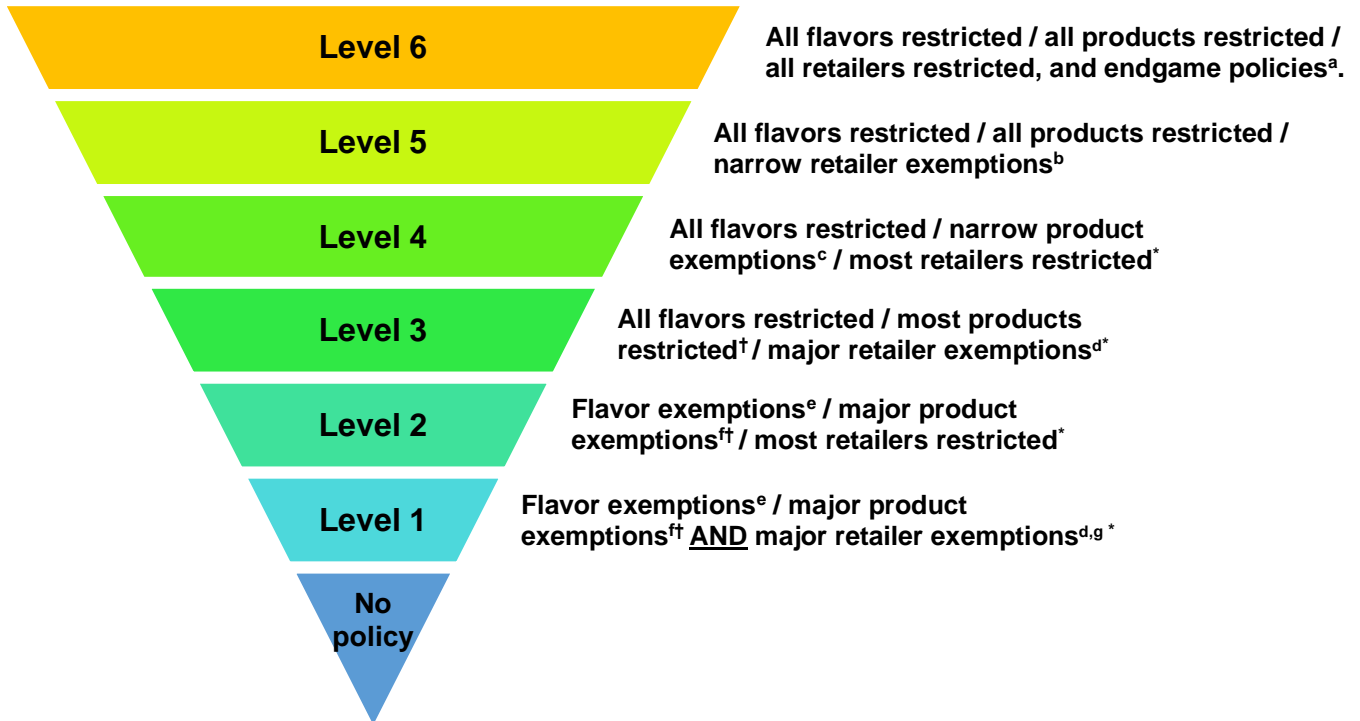
<sup>†</sup> "Smoking bar" is an establishment that exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises.

## JURISDICTIONS WITH PENDING LITIGATION AS OF DECEMBER 31, 2021:

- **California (pop. 39.6 million):** Implementation of the state's law restricting sales of flavored tobacco products is suspended due to the tobacco industry's success in bringing a referendum for vote by the state's voters on the next statewide ballot, currently scheduled for November 2022, though this date is subject to change.
- **Goleta, CA (pop. 32,690):** Goleta's restriction on the sale of all flavored tobacco products was placed on hold after a referendum petition successfully received enough signatures and will be on the ballot in November 2022.

## 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                  | State-level policies            |                               | Local-level policies            |                               |
|-------------------------------|-------------------------------|---------------------------------|-------------------------------|---------------------------------|-------------------------------|
| Comprehensiveness level       | Percent of population covered | Percent of state-level policies | Percent of population covered | Percent of local-level policies | Percent of population covered |
| Level 6 (most comprehensive)  | 2.17%                         | 0.00%                           | 0.00%                         | 28.49%                          | 2.17%                         |
| Level 5                       | 2.21%                         | 14.29%                          | 2.11%                         | 1.42%                           | 0.10%                         |
| Level 4                       | 0.31%                         | 0.00%                           | 0.00%                         | 1.99%                           | 0.31%                         |
| Level 3                       | 2.05%                         | 0.00%                           | 0.00%                         | 11.40%                          | 2.05%                         |
| Level 2                       | 11.73%                        | 71.43%                          | 11.35%                        | 11.11%                          | 0.37%                         |
| Level 1 (least comprehensive) | 1.10%                         | 14.29%                          | 0.95%                         | 45.58%                          | 0.14%                         |

Approximately, 7,038,648 people in the U.S. are covered by a Level 6 (or most comprehensive) state or local flavored tobacco sales restriction, representing 2.17% of the U.S. population.

**100 jurisdictions** have fully comprehensive policies (Level 6) as of December 31, 2021.

- |  |   |                                   |
|--|---|-----------------------------------|
| 1. Adelanto, CA                          | <b>35. Manhattan Beach, CA</b>            | 69. Solana Beach, CA              |
| 2. Alameda City, CA                      | 36. Marin County, CA <sup>§</sup>         | 70. Sunnyvale, CA                 |
| 3. Alameda County, CA <sup>§</sup>       | 37. Maywood, CA                           | 71. Tiburon, CA                   |
| 4. Alhambra, CA                          | 38. Mendocino County, CA                  | 72. Watsonville, CA               |
| <b>5. Baldwin Park, CA</b>               | 39. Menlo Park, CA                        | 73. West Sacramento, CA           |
| 6. Benicia, CA                           | 40. Mill Valley, CA                       | 74. Windsor, CA                   |
| 7. Berkeley, CA                          | 41. Mono County, CA                       | 75. Woodland, CA                  |
| <b>8. Beverly Hills, CA</b>              | <b>42. Novato, CA</b>                     | 76. Yolo County, CA <sup>§</sup>  |
| 9. Buena Park, CA                        | 43. Oakland, CA                           | 77. Aspen, CO                     |
| 10. Burlingame, CA                       | 44. Oroville, CA                          | 78. Carbondale, CO                |
| 11. Capitola, CA                         | 45. Oxnard, CA                            | 79. Edgewater, CO                 |
| 12. Carpinteria, CA                      | 46. Pacific Grove, CA                     | 80. Glenwood Springs, CO          |
| 13. Carson, CA                           | 47. Palo Alto, CA                         | 81. Snowmass Village, CO          |
| 14. Contra Costa County, CA <sup>§</sup> | 48. Paradise, CA                          | 82. Brookline, MA                 |
| 15. Corte Madera, CA                     | <b>49. Pasadena, CA</b>                   | 83. Chatham, MA                   |
| 16. Cudahy, CA                           | <b>50. Petaluma, CA</b>                   | 84. Dedham, MA                    |
| 17. Cupertino, CA                        | 51. Pleasanton, CA                        | 85. Lynn, MA                      |
| 18. Davis, CA                            | 52. Portola Valley, CA                    | 86. North Attleboro, MA           |
| 19. Dublin, CA                           | 53. Ross, CA                              | 87. Norwood, MA                   |
| 20. East Palo Alto, CA                   | 54. Sacramento, CA                        | 88. Shrewsbury, MA                |
| 21. El Monte, CA                         | 55. San Anselmo, CA                       | 89. Winthrop, MA                  |
| 22. Fairfax, CA                          | 56. San Carlos, CA                        | <b>90. Bangor, ME</b>             |
| 23. Fremont, CA                          | 57. San Francisco, CA                     | 91. Bloomington, MN               |
| 24. Guadalupe, CA                        | 58. San Mateo, CA                         | 92. Brown's Valley, MN            |
| 25. Half Moon Bay, CA                    | 59. San Mateo County, CA <sup>§</sup>     | 93. Edina, MN                     |
| 26. Hayward, CA                          | 60. San Pablo, CA                         | 94. Golden Valley, MN             |
| 27. Hermosa Beach, CA                    | 61. San Rafael, CA                        | 95. Mendota Heights, MN           |
| 28. Imperial Beach, CA                   | 62. Santa Barbara County, CA <sup>§</sup> | <b>96. Moorhead, MN</b>           |
| 29. Lafayette, CA                        | 63. Santa Clara County, CA <sup>§</sup>   | 97. Traverse County, MN           |
| 30. Larkspur, CA                         | 64. Santa Cruz, CA                        | 98. Wheaton, MN                   |
| 31. Livermore, CA                        | 65. Santa Cruz County, CA <sup>§</sup>    | 99. Manheim, NY                   |
| 32. Los Angeles County, CA <sup>§</sup>  | 66. Santa Maria, CA                       | <b>100. Washington County. OR</b> |
| 33. Los Gatos, CA                        | 67. Sausalito, CA                         |                                   |
| 34. Mammoth Lakes, CA                    | 68. Sebastopol, CA                        |                                   |

Jurisdictions highlighted in **green** had policies that either were passed between 10/1/2021 and 12/31/2021, have an existing policy that removed exemptions for menthol/mint/wintergreen flavored products between 10/1/2021 and 12/31/2021, or were updated retroactively upon further examination during the period 10/1/2021 and 12/31/2021; thus making the policy comprehensive.

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

<sup>§</sup> Restriction applies to unincorporated part of county

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 December 31, 2021, in **204 jurisdictions and three tribes**, menthol/mint/wintergreen flavored products are exempted:

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



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

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

- = 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)

<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 December 31, 2021, **45 jurisdictions and two tribes** have banned the sale of all e-cigarettes.

- Alameda County, CA
- Arroyo Grande, CA
- Benicia, CA
- Beverly Hills, CA
- Calabasas, CA
- Carpinteria, CA
- Carson, CA
- Cerritos, CA
- Contra Costa County, CA<sup>§</sup>
- Danville, CA
- Dublin, CA
- East Palo Alto, CA
- Hayward, CA
- Livermore, CA
- Los Altos, CA
- Los Gatos, CA
- Manhattan Beach, CA
- Menlo Park, CA
- Morgan Hill, CA
- Morro Bay, CA
- Palo Alto, 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
- Watsonville, CA
- Windsor, CA
- Bellingham, MA
- Blackstone, MA
- 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>||</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

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

Jurisdictions with a restriction around schools:

- 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           | 25. Brewster, MA         | 49. Fitchburg, MA        |
| 2. Walnut Creek, CA      | 26. Brockton, MA         | 50. Gardner, MA          |
| 3. Massachusetts (state) | 27. Buckland, MA         | 51. Gill, MA             |
| 4. Acton, MA             | 28. Cambridge, MA        | 52. Gloucester, MA       |
| 5. Adams, MA             | 29. Carver, MA           | 53. Grafton, MA          |
| 6. Agawam Town, MA       | 30. Charlemont, MA       | 54. Granby, MA           |
| 7. Amherst, MA           | 31. Charlton, MA         | 55. Great Barrington, MA |
| 8. Andover, MA           | 32. Chelmsford, MA       | 56. Greenfield Town, MA  |
| 9. Arlington, MA         | 33. Chelsea, MA          | 57. Groton, MA           |
| 10. Ashburnham, MA       | 34. Clinton, MA          | 58. Hadley, MA           |
| 11. Ashby, MA            | 35. Cohasset, MA         | 59. Halifax, MA          |
| 12. Ashland, MA          | 36. Concord, MA          | 60. Hamilton, MA         |
| 13. Athol, MA            | 37. Conway, MA           | 61. Hanover, MA          |
| 14. Attleboro, MA        | 38. Danvers, MA          | 62. Harvard, MA          |
| 15. Avon, MA             | 39. Deerfield, MA        | 63. Harwich, MA          |
| 16. Ayer, MA             | 40. Dracut, MA           | 64. Hatfield, MA         |
| 17. Barnstable Town, MA  | 41. Duxbury, MA          | 65. Haverhill, MA        |
| 18. Bedford, MA          | 42. East Longmeadow, MA  | 66. Heath, MA            |
| 19. Belmont, MA          | 43. Easthampton Town, MA | 67. Holbrook, MA         |
| 20. Beverly, MA          | 44. Easton, MA           | 68. Holden, MA           |
| 21. Billerica, MA        | 45. Edgartown, MA        | 69. Holyoke, MA          |
| 22. Bolton, MA           | 46. Essex, MA            | 70. Hopkinton, MA        |
| 23. Boston, MA           | 47. Everett, MA          | 71. Hudson, MA           |
| 24. Braintree Town, MA   | 48. Fairhaven, MA        | 72. Kingston, MA         |

Source: Truth Initiative

73. Lancaster, MA
74. Lanesborough, MA
75. Lawrence, MA
76. Lee, MA
77. Lenox, MA
78. Leominster, MA
79. Leverett, MA
80. Littleton, MA
81. Longmeadow, MA
82. Lowell, MA
83. Ludlow, MA
84. Lynnfield, MA
85. Malden, MA
86. Marblehead, MA
87. Marlborough, MA
88. Marshfield, MA
89. Mashpee, MA
90. Maynard, MA
91. Medfield, MA
92. Medford, MA
93. Melrose, MA
94. Methuen Town, MA
95. Middleboro, MA
96. Middleton, MA
97. Millis, MA
98. Milton, MA
99. Montague, MA
100. Natick, MA
101. Needham, MA
102. Newburyport, MA
103. Newton, MA
104. Norfolk, MA
105. North Adams, MA
106. North Andover, MA
107. North Reading, MA
108. Northampton, MA
109. Norton, MA
110. Norwell, MA
111. Oak Bluffs, MA
112. Orange, MA
113. Orleans, MA
114. Palmer Town, MA
115. Peabody, MA
116. Pittsfield, MA
117. Reading, MA
118. Rockport, MA
119. Royalston, MA
120. Salem, MA
121. Sandwich, MA
122. Saugus, MA
123. Sharon, MA
124. Shelburne, MA
125. Somerville, MA
126. South Hadley, MA
127. Southampton, MA
128. Spencer, MA
129. Stockbridge, MA
130. Stoneham, MA
131. Stoughton, MA
132. Stow, MA
133. Sudbury, MA
134. Sunderland, MA
135. Templeton, MA
136. Tewksbury, MA
137. Topsfield, MA
138. Townsend, MA
139. Tyngsborough, MA
140. Upton, MA
141. Uxbridge, MA
142. Wakefield, MA
143. Walpole, MA
144. Wareham, MA
145. Watertown Town, MA
146. Wellfleet, MA
147. West Boylston, MA
148. Westborough, MA
149. Westford, MA
150. Westwood, MA
151. Whately, MA
152. Wilbraham, MA
153. Williamstown, MA
154. Wilmington, MA
155. Winchendon, MA
156. Winchester, MA
157. Worcester, MA
158. Wrentham, MA
159. Yarmouth, MA
160. Westfield, NJ
161. Toledo, OH
162. Central Falls, RI
163. Johnston, RI
164. 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>b</sup>
- Long Beach <sup>b</sup>
- Los Altos, CA (60%) <sup>b,c,d</sup>
- Redondo Beach, CA <sup>b</sup>
- San Jose, CA <sup>b</sup>
- South San Francisco, CA <sup>b</sup>
- Chicago, IL (80%) <sup>c,d</sup>
- All MA localities <sup>b,◇</sup>
- Bellingham, MA <sup>d</sup>
- Hull, MA <sup>d</sup>
- Topsfield, MA <sup>d</sup>
- Upton, MA <sup>d</sup>
- Westminster, MA <sup>d</sup>
- Arden Hills, MN <sup>b</sup>
- Columbia Heights, MN (90%) <sup>b,c</sup>
- Duluth, MN (90%) <sup>c</sup>
- Falcon Heights, MN (90%) <sup>b,c</sup>
- Fridley, MN (90%) <sup>b,c</sup>
- Hennepin County, MN (90%) <sup>b,c</sup>
- Lauderdale, MN (90%) <sup>b,c</sup>
- Minneapolis, MN (90%) <sup>b,c</sup>
- New Hope, MN (90%) <sup>b,c</sup>
- Robbinsdale, MN (90%) <sup>c</sup>
- Roseville, MN (90%) <sup>b,c</sup>
- Shoreview, MN (90%) <sup>b,c</sup>
- St. Paul, MN (90%) <sup>b,c</sup>
- Westfield, NJ <sup>b</sup>
- Toledo, OH (60%) <sup>c</sup>
- Utah (state) (35%) <sup>b,c,d</sup>

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

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

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

<sup>◇</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.
- **Culver City, CA:** Exempts hookah lounges with a valid retail license and are under the same ownership as of October 14, 2019.
- **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.
- **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.
- **Canton, MA:** Adult store exemption does not apply to e-cigarettes.
- **Minneapolis, MN:** Menthol/mint/wintergreen flavors are exempted at 21+ adult retailers.
- **New York, NY:** Exemption for smoking bar does not include e-cigarettes.