U.S. SALES RESTRICTIONS ON FLAVORED TOBACCO PRODUCTS

This document provides select examples of U.S. states, cities, and counties[1] that restrict the sale of flavored tobacco products. For local jurisdictions, it focuses on those with a population over 75,000. The Public Health Law Center includes the following best practices in its model tobacco flavor restrictions policies: (1) covering the entire jurisdiction, (2) prohibiting menthol, (3) restricting flavors in all tobacco products, and (4) not including exemptions for certain retailers.

The first chart organizes jurisdictions based on how they address these four best practices.

The second chart organizes the jurisdictions by state, capturing variations among flavor restrictions in each of these four areas. The chart also provides links to each jurisdiction's laws and summarizes relevant legal challenges.

A state or local government considering whether to adapt any language from the following policies should take care to ensure that the language is appropriate, practical, and legal for its jurisdiction. Please note that the Public Health Law Center does not endorse or recommend any of the following policies. We have included these examples to illustrate how various jurisdictions regulate the sale of flavored tobacco products and related electronic nicotine delivery devices.

This chart is not comprehensive. Feel free to contact the Public Health Law Center for more information about flavored tobacco restrictions where you live.

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Flavored Tobacco Restrictions by Type

This list organizes states, cities, and counties by restriction type. Please note that this list is not intended to be comprehensive and that other types of flavored tobacco policies exist outside of those mentioned here.

State Policies

State	Jurisdiction-wide ban?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Effective date
California [1,2]	✓	✓	✗	✗	January 2023
Maine [3]	✓	✗	✗	✓	2009
Maryland [4]	✓	✗	✗	✓	February 2020
Massachusetts [1]	✓	✓	✓	✗	June 2020
New Jersey [4]	✓	✓	✗	✓	April 2020
New York [4]	✓	✓	✗	✓	May 2020
Rhode Island [4]	✓	✗	✗	✓	January 2025
Utah [4]	✓	✗	✗	✓	July 2024

1 Retailer exemptions for licensed smoking bars
2 Product exemptions for hookah, premium cigars, pipe tobacco
3 Only covers non-premium flavored cigars
4 Only covers flavored e-cigarettes

Also, in 2019, the following states took temporary action to ban flavored e-cigarettes in response to the EVALI (e-cigarette or vaping product use-associated lung injury) crisis:

- Massachusetts
- Michigan
- Montana
- New York
- Oregon
- Rhode Island
- Utah
- Washington

Local Policies

Comprehensive

(jurisdiction-wide ban, menthol flavor prohibited, all tobacco products included, no retailer exemption)

Jurisdiction	Jurisdiction-wide ban?	Menthol prohibited?	All tobacco products?	Covers all retailers?
Alameda, CA	✓	✓	✓	✓
Alhambra, CA	✓	✓	✓	✓
Antioch, CA	✓	✓	✓	✓
Baldwin Park, CA	✓	✓	✓	✓
Berkeley, CA	✓	✓	✓	✓
Bloomington, MN	✓	✓	✓	✓
Carson, CA	✓	✓	✓	✓
Contra Costa County, CA	✓	✓	✓	✓
El Dorado County, CA	✓	✓	✓	✓
El Monte, CA	✓	✓	✓	✓
Evanston, IL	✓	✓	✓	✓
Fremont, CA	✓	✓	✓	✓
Hayward, CA	✓	✓	✓	✓
Livermore, CA	✓	✓	✓	✓
Los Angeles County, CA	✓	✓	✓	✓

(continued)

Jurisdiction	Jurisdiction-wide ban?	Menthol prohibited?	All tobacco products?	Covers all retailers?
Marin County, CA	✓	✓	✓	✓
Monterey County, CA	✓	✓	✓	✓
Oakland, CA	✓	✓	✓	✓
Oxnard, CA	✓	✓	✓	✓
Pasadena, CA	✓	✓	✓	✓
Plymouth, MN [1]	✓	✓	✓	✓
Redding, CA	✓	✓	✓	✓
Richmond, CA	✓	✓	✓	✓
Sacramento, CA	✓	✓	✓	✓
Sacramento County, CA	✓	✓	✓	✓
San Francisco, CA	✓	✓	✓	✓
San Mateo, CA	✓	✓	✓	✓
San Mateo County, CA	✓	✓	✓	✓
Santa Ana, CA	✓	✓	✓	✓
Santa Barbara County, CA	✓	✓	✓	✓
Santa Cruz County, CA	✓	✓	✓	✓
Santa Maria, CA	✓	✓	✓	✓
Sonoma County, CA	✓	✓	✓	✓

(continued)

Jurisdiction	Jurisdiction-wide ban?	Menthol prohibited?	All tobacco products?	Covers all retailers?
Sunnyvale, CA	✓	✓	✓	✓
Vallejo, CA	✓	✓	✓	✓
Victorville, CA	✓	✓	✓	✓
Yolo County, CA [2]	✓	✓	✓	✓

1 Effective 1/1/2028
2 See also Woodland, CA, and Davis, CA, adopting Yolo County restrictions by reference

E-Cigarettes Only

(jurisdiction-wide ban, menthol flavor prohibited, e-cigarettes only, no retailer exemption)

Jurisdiction	Jurisdiction-wide ban?	Menthol prohibited?	All tobacco products?	Covers all retailers?
Boulder, CO	✓	✓	✗	✓
Cook County, IL	✓	✓	✗	✓
Jersey City, NJ	✓	✓	✗	✓
Missoula, MT	✓	✓	✗	✓
Palmdale, CA	✓	✓	✗	✓
Ventura County, CA	✓	✓	✗	✓
Yonkers, NY	✓	✓	✗	✓

Covers Multiple Tobacco Products, with Exceptions

Jurisdiction	Jurisdiction-wide ban?	Menthol prohibited?	All tobacco products?	Covers all retailers?
Babylon, NY	✓	✗	✗	✓
Burbank, CA[1]	✓	✓	✗	✓
Denver, CO	✓	✓	✗	✓
Fresno, CA	✓	✓	✗	✗
Glendale, CA[1]	✓	✓	✗	✓
Long Beach, CA[2]	✓	✓	✗	✓
Mendocino County, CA[3]	✓	✓	✗	✓
Napa, CA[4]	✓	✓	✗	✗
New York City, NY[3]	✓	✓	✗	✗
Paterson, NJ	✓	✓	✗	✓
Philadelphia, PA[5]	✓	✓	✗	✗
Providence, RI[3]	✓	✗	✗	✗
San Diego County, CA[4]	✓	✓	✗	✓
San Leandro, CA[3]	✓	✓	✗	✓
San Jose, CA[4]	✓	✓	✗	✗
Ventura, CA[1]	✓	✓	✗	✓

1 Hookah excluded
2 Only covers e-cigarettes, menthol cigarettes, and cigarillos
3 Conventional cigarettes excluded
4 Hookah, premium cigars, pipe tobacco excluded
5 Only covers e-cigarettes, cigars, and roll-your-own tobacco

Retailer Exemptions, Menthol Flavor Prohibited

(jurisdiction-wide ban, menthol flavor prohibited, certain retailers exempt)

Jurisdiction	Jurisdiction-wide ban?	Menthol prohibited?	All tobacco products?	Covers all retailers?
Alameda County, CA	✓	✓	✓	✗
Boston, MA	✓	✓	✓	✗
Buena Park, CA	✓	✓	✓	✗
Compton, CA	✓	✓	✓	✗
Duluth, MN	✓	✓	✓	✗
Hennepin County, MN	✓	✓	✓	✗
Minneapolis, MN	✓	✓	✓	✗
Pleasanton, CA	✓	✓	✓	✗
Redwood City, CA	✓	✓	✓	✗
Saint Paul, MN	✓	✓	✓	✗
Santa Clara County, CA	✓	✓	✓	✗
Sherburne County, MN[1]	✓	✓	✗	✗
Somerville, MA	✓	✓	✓	✗
Toledo, OH[1]	✓	✓	✗	✗

1 Only applies to electronic smoking devices/vapor products, flavored electronic smoking devices/vapor products may be sold in some retailers

Buffer Zone Restrictions

(flavor sales prohibited around buffer zone, menthol flavor prohibited)

Jurisdiction	Jurisdiction-wide ban?	Menthol prohibited?	All tobacco products?	Covers all retailers?
Chicago, IL[1]	✗	✓	✓	✗
Hempstead, NY[2]	✗	✓	✗	✗
Montgomery County, MD[2]	✗	✓	✗	✗

1 Flavored e-cigarette sales banned everywhere, other flavored tobacco product sales only banned in buffer zone
2 Flavored e-cigarette sales banned in buffer zone

Menthol Flavor Allowed, with Retailer Exemption

(jurisdiction-wide ban, menthol flavor allowed, exemption for retailers)

Jurisdiction	Jurisdiction-wide ban?	Menthol prohibited?	All tobacco products?	Covers all retailers?
Brockton, MA	✓	✗	✓	✗
Cambridge, MA	✓	✗	✓	✗
Lawrence, MA	✓	✗	✓	✗
Lowell, MA	✓	✗	✓	✗
Lynn, MA	✓	✗	✓	✗
Nassau County, NY	✓	✗	✗	✓
Newton, MA	✓	✗	✓	✗
Worcester, MA	✓	✗	✓	✗

Jurisdiction / California

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "A tobacco retailer, or any of the tobacco retailer's agents or employees, shall not sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer." CAL. HEALTH & SAFETY CODE § 104559.5(b)(1) (2020). "Flavored tobacco product" includes any tobacco product, other than looseleaf tobacco, a premium cigar, or a shisha tobacco product, that is not listed on the Unflavored Tobacco List established and maintained by the Attorney General pursuant to Section 104559.1. CAL. HEALTH & SAFETY CODE § 104559.5(a)(6) (2025).	**Yes.** "'Characterizing flavor' means a taste or odor, distinguishable by an ordinary consumer either prior to or during the consumption of a tobacco product, other than the taste or odor of tobacco, including, but not limited to, tastes or odors relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice, or a cooling sensation distinguishable by an ordinary consumer during the consumption of a tobacco product." CAL. HEALTH & SAFETY CODE § 104559.5(a)(1) (2025).	**No.** "Subdivision (b) does not apply to sales of premium cigars sold in cigar lounges where products are purchased and consumed only on the premises … [or] to loose leaf tobacco or premium cigars." CAL. HEALTH & SAFETY CODE § 104559.5(d), (e) (2020).	**No.** "Subdivision (b) does not apply to the sale of flavored shisha tobacco products by a hookah tobacco retailer if all of the following conditions are met: (1) The hookah tobacco retailer has a valid license to sell tobacco products issued pursuant to Chapter 2 (commencing with Section 22971.7) of Division 8.6 of the Business and Professions Code. (2) The hookah tobacco retailer does not permit any person under 21 years of age to be present or enter the premises at any time. (3) The hookah tobacco retailer shall operate in accordance with all relevant state and local laws relating to the sale of tobacco products. (4) If consumption of tobacco products is allowed on the premises of the hookah tobacco retailer, the hookah tobacco retailer shall operate in accordance with all state and	**Yes.** On November 8, 2022, voters approved of S.B. 793, and the tobacco industry filed suit on November 10, arguing that the flavor restriction was preempted by the Tobacco Control Act. The Southern District of California dismissed the complaint with prejudice, the Ninth Circuit affirmed, and the U.S. Supreme Court denied cert on January 8, 2024. *R.J. Reynolds v. Bonta*, No. 22-CV-1755 (S.D. Cal. 2022).

Jurisdiction / California / *continued*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
			local laws relating to the consumption of tobacco products on the premises of a tobacco retailer, including, but not limited to, Section 6404.5 of the Labor Code." CAL. HEALTH & SAFETY CODE § 104559.5(c) (2020).	

Jurisdiction / California / Alameda

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this article for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product." ALAMEDA, CAL., CODE § 6-60.110 (a) (2018).	Yes. "Characterizing flavor means a taste or aroma, other than the taste or aroma of tobacco, imparted prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product including, but not limited to, tastes or aroma relating to menthol, mint, wintergreen ..." ALAMEDA, CAL., CODE § 6-60.10 (2018).	Yes. "Tobacco product means: (1) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means ... (2) Any electronic smoking device that delivers nicotine or other substances ... (3) ... any component, part, or accessory of a tobacco product ..." ALAMEDA, CAL., CODE § 6-60.10 (2018).	Yes.	No.

Jurisdiction / California / Alameda County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No tobacco retailer or any of the tobacco retailer's agents or employees may sell or possess with intent to sell any flavored tobacco product." ALAMEDA COUNTY, CAL., CODE § 3.58.040 (A) (2020).	Yes. "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen ..." ALAMEDA COUNTY, CAL., CODE § 3.58.020 (2020).	Yes. "'Tobacco product' means: (1) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means ... (2) Any electronic smoking device that delivers nicotine or other substances ... (3) ... any component, part, or accessory intended or reasonably expected to be used with a tobacco product ..." ALAMEDA COUNTY, CAL., CODE § 3.58.020 (2020).	No. "The requirements and prohibitions of this chapter shall not apply to cannabis retail or delivery operators holding a permit under Chapter 6.108 or combined cannabis operators holding a permit under Chapter 6.109." ALAMEDA COUNTY, CAL., CODE § 3.58.210 (2020).	No.

Jurisdiction / California / Alhambra

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product." AMC § 5.90.030(A) (2022).	**Yes.** "Characterizing Flavor. A taste or aroma, other than the taste or aroma of tobacco … including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen …" AMC § 5.90.010 (2022).	**Yes.** "Tobacco Product. (1) Any product containing, made, or derived from tobacco or nicotine … ; and (2) Any electronic device that delivers nicotine or other substances to the person inhaling from the device … (3) Notwithstanding any provision of divisions (1) and (2) to the contrary, tobacco product includes any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately." AMC § 5.90.010 (2022).	**Yes.** "It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product." AMC § 5.90.030(A) (2022).	**No.**

Jurisdiction / California / Antioch

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No tobacco retailer or business shall sell, offer for sale, possess with the intent to sell, offer in exchange for any form of consideration, or provide at no cost any tobacco or tobacco product with a characterizing flavor." ANTIOCH, CAL., CODE § 6-8.14(A) (2022).	**Yes.** A "characterizing flavor" means "[a] taste or aroma other than the taste or aroma of tobacco, imparted either prior to or during consumption of tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen …." ANTIOCH, CAL., CODE § 6-8.02 (2022).	**Yes.** Prohibition covers "any tobacco or tobacco product …." ANTIOCH, CAL., CODE § 6-8.14(A) (2022).	**Yes.**	**No.**

Jurisdiction / California / Baldwin Park

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No tobacco retailer shall sell or offer for sale or possess with the intent to sell or offer for retail sale in the City of Baldwin Park, any flavored tobacco product or any component, part, or accessory … including electronic smoking devices." BCC § 125.020(H) (2021).	Yes. "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco … including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen …" BCC § 125.010 (2021).	Yes. "'Tobacco product' means: 1. any product containing, made, or derived from tobacco or nicotine … ; 2. any electronic smoking device that delivers nicotine or other substances … ; or 3. any component, part, or accessory …" BCC § 125.010 (2021).	Yes. "No tobacco retailer shall sell or offer for sale or possess with the intent to sell or offer for retail sale in the City of Baldwin Park, any flavored tobacco product or any component, part, or accessory … including electronic smoking devices." BCC § 125.020(H) (2021).	No.

Jurisdiction / California / Berkeley

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product." BERKELEY, CAL., CODE § 9.80.031(A) (2019).	Yes. "'Characterizing flavor' means a distinguishable taste or aroma, other than the taste or aroma of tobacco, that is imparted either prior to or during consumption of a tobacco product, or any byproduct produced by the tobacco product, including but not limited to tastes or aromas of menthol, mint, wintergreen ..." BERKELEY, CAL., CODE § 9.80.020(C) (2019).	Yes. "Tobacco product" means: 1: Any substance containing, made of, or derived from tobacco or nicotine including but not limited to cigarettes, cigars, cigarillos, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, and shisha; 2: Any e-liquid; 3: Any electronic nicotine delivery system; and 4: Any tobacco paraphernalia." BERKELEY, CAL., CODE § 9.80.020(S) (2019).	Yes.	No.

Jurisdiction / California / Buena Park

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "The sale of flavored tobacco products to customers is prohibited in the city, and no person or licensee shall sell or offer for sale any flavored tobacco product to customers in the city as of twelve a.m. on March 31, 2022." BPMC § 5.60.100(A) (2021).	**Yes.** "'Characterizing flavor.' A taste or aroma, other than the taste or aroma of tobacco … including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen …" BPMC § 5.60.010 (2021).	**Yes.** "'Tobacco product' means: 1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption … ; and 2. Any electronic smoking device that delivers nicotine or other substances to the person inhaling from the device including … 3. Any component, part, or accessory of a tobacco product, whether or not sold separately …" BPMC § 5.60.010 (2021).	**No.** "The sale of flavored shisha tobacco products by a hookah tobacco retailer if all of the following conditions are met: a. The hookah tobacco retailer shall have been lawfully operating within the City of Buena Park as of July 27. 2021. b. The hookah tobacco retailer has a valid license to sell tobacco products issued pursuant to Chapter 2 (commencing with Section 22971. 7) of Division 8. 6 of the Business and Professions Code. c. The hookah tobacco retailer does not permit any person under 21 years of age to be present or enter the area designated for hookah used …" BPMC § 5.60.100(D) (2021).	**No.**

Jurisdiction / California / Burbank

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this Article for any Tobacco Retailer … any agents or employees to sell, offer for sale, or to possess with intent to sell … any flavored tobacco product." BURBANK MUN. CODE § 3-4-2508 (A).	Yes. A "flavored tobacco product" contains a "characterizing flavor." BURBANK MUN. CODE § 3-4-2502 (E). "Characterizing flavor" includes "taste or aroma, other than the taste or aroma of tobacco … including, but not limited to, tastes or aroma relating to menthol, mint, wintergreen," etc. BURBANK MUN. CODE § 3-4-2502(B).	No. "[E]xcept for hookah tobacco in a form that may only be used in a non-electric hookah pipe or water pipe." BURBANK MUN. CODE § 3-4-2508 (A).	No. "[E]xcept in a tobacco bar, whose sales of flavored tobacco products are limited to onsite use only by customers at least 21 years of age …" BURBANK MUN. CODE § 3-4-2508 (A).	No.

Jurisdiction / California / Carson

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "[I]t is unlawful in the City for any tobacco and electronic cigarette retailer to sell, offer to sell, exchange, or offer to exchange, for any form of consideration, any flavored tobacco product." CARSON, CAL., ORDINANCE NO. 19-1940, § 63150.5.13 (2020).	Yes. "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including but not limited to tastes or aromas relating to menthol, mint, wintergreen ..." CARSON, CAL., ORDINANCE NO. 19-1940, § 63150.5.1 (2020).	Yes. "'Tobacco product' means any substance containing, made, or derived from tobacco leaf or nicotine, including but not limited to any tobacco cigarette, cigar, pipe tobacco, snuff, hookah shisha, smokeless tobacco or any other form of tobacco which may be utilized for smoking, chewing, inhaling or other manner of ingestion." CARSON, CAL., ORDINANCE NO. 19-1940, § 63150.5.1 (2020).	Yes.	No.

Jurisdiction / California / Chula Vista

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "[I]t shall be unlawful for any Person to sell or offer for sale, or to possess with intent to sell or offer for sale, any Flavored Tobacco Product in the City of Chula Vista." CHULA VISTA, CAL., MUN. CODE § 5.56.095(A) (2001).	Yes. "'Flavored Tobacco Product' means a Tobacco Product that contains or emits a taste or smell, other than the taste or smell of tobacco, including ... mint, menthol, wintergreen ..." CHULA VISTA, CAL., MUN. CODE § 5.56.010(I) (2001).	No. "This section does not apply to the sale of Shisha, Premium Cigars, or Loose-Leaf Tobacco." CHULA VISTA, CAL., MUN. CODE § 5.56.095(B) (2001).	Yes.	No.

Jurisdiction / California / Compton

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. All flavored tobacco products, including menthol-flavored cigarettes, are prohibited from sale. CMC § 7-23A.8(d)(e) (2020).	Yes. All flavored tobacco products, including menthol-flavored cigarettes, are prohibited from sale. CMC § 7-23A.8(d)(e) (2020).	Yes. All flavored tobacco products, including menthol-flavored cigarettes, are prohibited from sale. CMC § 7-23A.8(d)(e) (2020).	No. The sale of menthol-flavored cigarettes may continue in some retailers. CMC § 7-23A.8(g) (2020).	No.

Jurisdiction / California / Contra Costa County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No tobacco retailer may sell, offer for sale, or exchange or offer to exchange for any form of consideration, to a consumer any flavored tobacco product or menthol cigarette." CONTRA COSTA COUNTY, CAL., CODE § 445-6.006 (2020).	**Yes.** "A 'characterizing flavor' includes, but is not limited to, a taste or aroma relating to … menthol, mint, wintergreen …" CONTRA COSTA COUNTY, CAL., CODE § 445-2.006(a) (2020). "'Menthol cigarettes' means cigarettes as defined by federal law, that have a characterizing flavor of menthol, mint, or wintergreen, including cigarettes advertised, labeled, or described by the manufacturer as possessing a menthol characterizing flavor." CONTRA COSTA COUNTY, CAL., CODE § 445-2.006(k) (2020).	**Yes.** "'Tobacco product' means … (1) [a]ny product containing, made from, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means … (2) [a]ny electronic smoking device …" CONTRA COSTA COUNTY, CAL., CODE § 445-2.006(u) (2020) (emphasis added).	**Yes.**	**No.**

Jurisdiction / California / El Monte

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No tobacco retailer shall sell or offer for sale, or possess with the intent to sell or offer for sale, any flavored tobacco product or any component, part, or accessory intended to impart or imparting a characterizing flavor in any form, to any tobacco product or nicotine delivery device, including electronic smoking devices." EMMC § 8.10.020(J) (2020).	**Yes.** "'Characterizing flavor' means a taste or aroma … including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen …" EMMC § 8.10.010 (2020).	**Yes.** "'Tobacco product' means 1. A product containing, made, or derived from tobacco or nicotine … 2. An electronic device that delivers nicotine … 3. Any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately or any of these contains tobacco or nicotine …" EMMC § 8.10.010 (2020).	**Yes.** "No tobacco retailer shall sell or offer for sale, or possess with the intent to sell or offer for sale, any flavored tobacco product or any component, part, or accessory intended to impart or imparting a characterizing flavor in any form, to any tobacco product or nicotine delivery device, including electronic smoking devices." EMMC § 8.10.020(J) (2020).	**No.**

Jurisdiction / California / Fremont

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No tobacco retailer, nor any of the retailer's agents or employees, shall sell or offer for sale, or possess with intent to sell or offer for sale, any flavored tobacco product." FREMONT, CAL., CODE § 8.75.120(a) (2020).	Yes. "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen ..." FREMONT, CAL., CODE § 8.75.010(b) (2020).	Yes. "Tobacco product means: (1) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means ... (2) Any electronic smoking device that delivers nicotine or other substances ... (3) ... any component, part, or accessory of a tobacco product ..." FREMONT, CAL., CODE § 8.75.010(q) (2019).	Yes.	No.

Jurisdiction / California / Fresno

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "A Tobacco Retailer, or any agents or employees of a Tobacco Retailer, shall not sell, offer for sale, or possess with the intent to sell or offer for sale, a Flavored Tobacco Product, Tobacco Product Flavor Enhancer, or other products prohibited by law." FRESNO, CA, CODE § 9-3706(c) (2025).	**Yes.** Same as state law. "Flavored Tobacco Product shall have the same meaning as provided in 104559.5 of the Health and Safety Code, including any amendments or successor statutes thereto." FRESNO, CA, CODE § 9-3706(c) (2025). State law prohibits all flavors other than tobacco.	**No.** Same exemptions as state law. "Flavored Tobacco Product shall have the same meaning as provided in 104559.5 of the Health and Safety Code, including any amendments or successor statutes thereto." FRESNO, CA, CODE § 9-3706(c) (2025). State law exempts premium cigars (costing at least $12 each), shisha tobacco, and loose leaf pipe tobacco.	**No.** Same exemptions as state law. "Flavored Tobacco Product shall have the same meaning as provided in 104559.5 of the Health and Safety Code, including any amendments or successor statutes thereto." FRESNO, CA, CODE § 9-3706(c) (2025). State law exempts flavored shisha tobacco products sold by a hookah tobacco retailer and flavor premium cigars sold for consumption in cigar lounges.	**No.**

Jurisdiction / California / Glendale

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees, to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product or any component, part, or accessory intended to impart, or imparting a characterizing flavor in any form, to any tobacco product or electronic smoking device." GMC § 5.44.110(A) (2021).	Yes. "'Characterizing flavor' means a taste, or aroma ... including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen ..." GMC § 5.44.020 (2021).	No. "This paragraph shall not apply to hookah tobacco in a form that may only be used in a non-electronic hookah pipe or water pipe. This paragraph shall not apply to premium cigars." GMC § 5.44.110(A) (2021).	Yes. "It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees, to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product or any component, part, or accessory intended to impart, or imparting a characterizing flavor in any form, to any tobacco product or electronic smoking device." GMC § 5.44.110(A) (2021).	No.

Jurisdiction / California / Hayward

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of these regulations for any Tobacco Retailer … to sell or offer for sale … 1) Flavored tobacco products, parts, components, or flavored tobacco paraphernalia …" HAYWARD, CAL., ORD. NO. 20-13, § 10-1.2783(c) (Adopted July 7, 2020).	Yes. "'Characterizing Flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted by a tobacco product … Including but not limited to … menthol, mint, wintergreen …" HAYWARD, CAL., ORD. NO. 20-13, § 10-1.2782(f) (Adopted July 7, 2020).	Yes. "'Tobacco Product' means any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means. 'Tobacco Product' includes but is not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, electronic smoking devices …" HAYWARD, CAL., ORD. NO. 20-13, § 10-1.2782(aa) (Adopted July 7, 2020).	Yes.	No.

Jurisdiction / California / Hesperia

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. Sale of Flavored Tobacco Products Prohibited. It shall be unlawful for any tobacco retailer to sell any flavored tobacco product, including flavored e-cigarettes and menthol cigarettes, as well as tobacco product flavor enhancers. HESPERIA, CAL., CODE § 5.80.020(D) (2021).	**Yes.** Sale of Flavored Tobacco Products Prohibited. It shall be unlawful for any tobacco retailer to sell any flavored tobacco product, including flavored e-cigarettes and menthol cigarettes, as well as tobacco product flavor enhancers. HESPERIA, CAL., CODE § 5.80.020(D) (2021).	**No.** Prohibition "does not apply to flavored premium cigars with a wholesale price of twelve dollars ($12.00) or more and flavored loose-leaf pipe tobacco. Flavored shisha/hookah tobacco may only be sold in licensed stores that only allow people twenty-one (21) or older on the premises at any time." HESPERIA, CAL., CODE § 5.80.020(D) (2021).	**No.** "Flavored shisha/hookah tobacco may only be sold in licensed stores that only allow people twenty-one (21) or older on the premises at any time." HESPERIA, CAL., CODE § 5.80.020(D) (2021).	**No.**

Jurisdiction / California / Irvine

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. The ordinance title refers to prohibiting the sale of flavored tobacco products, but the text of the provision only mentions use, not sale. "Sec. 4-10-603. Sale, offer for sale, and use of flavored tobacco products prohibited. A. The use of any flavored tobacco product by persons under 21 is prohibited and no person shall use or attempt to use any flavored tobacco product." IRVINE, CAL., CODE § 4-10-603(A) (2020).	**Yes.** The ordinance title refers to prohibiting the sale of flavored tobacco products, but the text of the provision only mentions use, not sale. "There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor including, but not limited to, text, color, and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor." IRVINE, CAL., CODE § 4-10-603(B) (2020).	**No.** "Notwithstanding subparts A., C. of this Section 4-10-603, the sale or offer for sale of hookah products and the use of flavored tobacco for hookah uses is not prohibited by this Section 4-10-603." IRVINE, CAL., CODE § 4-10-603(C) (2020).	**Yes.** The ordinance title refers to prohibiting the sale of flavored tobacco products, but the text of the provision only mentions use, not sale. "Sec. 4-10-603. Sale, offer for sale, and use of flavored tobacco products prohibited. A. The use of any flavored tobacco product by persons under 21 is prohibited and no person shall use or attempt to use any flavored tobacco product." IRVINE, CAL., CODE § 4-10-603(A) (2020).	**No.**

Jurisdiction / California / Livermore

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "Sale, offer for sale, exchange, or offer to exchange any flavored tobacco product is prohibited." LIVERMORE, CAL., CODE § 5.50.100 (A) (2019).	**Yes.** "Characterizing flavor" includes "menthol, mint, wintergreen." LIVERMORE, CAL., CODE § 5.50.020 (B) (2019).	**Yes.** "'Tobacco product' means any product containing, made from, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; any electronic smoking device; ..." LIVERMORE, CAL., CODE § 5.50.020 (L)(2019).	**Yes.**	**No.**

Jurisdiction / California / Long Beach

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "A person, including a tobacco retailer or any employee of a tobacco retailer, shall not sell or offer for sale, or distribute any prohibited product." LONG BEACH, CAL., ORDINANCE NO. 19-0033, § 5.94.030 (A). Prohibited products are defined as "flavored cigarillos, flavored electronic smoking devices, flavored electronic smoking device fluid and menthol cigarettes." LONG BEACH, CAL., ORDINANCE NO. 19-0033 § 5.94.020(O).	**Yes.** "Flavor" means "an artificial or naturally-occurring substance that contains the taste or smell, other than the taste of tobacco … including, but not limited to … menthol, mint, wintergreen …" LONG BEACH, CAL., ORDINANCE NO. 19-0033 § 5.94.020 (H).	**No.** "'Prohibited products' means the following: 1. 'Flavored cigarillos', as defined by this Section; 2. 'Flavored electronic smoking devices', as defined by this Section; 3. 'Flavored electronic smoking device fluid', as defined by this Section; and 4. 'Menthol cigarettes', as defined by this Section." (Note, this does not include flavored cigars, roll-your-own tobacco, chewing tobacco, or hookah.) LONG BEACH, CAL., ORDINANCE NO. 19-0033, § 5.94.020(O).	**Yes.**	**No.**

Jurisdiction / California / Los Angeles

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful to Sell or offer for Sale, or possess with the intent to Sell, any Flavored Tobacco Product at a permitted Tobacco Retailing location." L.A., CAL., MUN. CODE § 46.90.1(a) (1936).	**Yes.** "Flavored Tobacco Product" means "any Tobacco Product that imparts a taste or smell, other than the taste or smell of tobacco … including … menthol, mint, wintergreen …." L.A., CAL., MUN. CODE § 46.90(d) (1936).	**No.** "The Sale of Shisha, Shisha Tobacco and Shisha Tobacco Products, which qualify as Flavored Tobacco Products, is permissible at any Hookah Lounge … [or] Bar [that] has a valid Tobacco Retailer's Permit …." L.A., CAL., MUN. CODE § 46.90.1(b) (1936).	**No.** The exempted products can be sold at any Hookah Lounge or Bar with a valid Tobacco Retailer's Permit and that meet certain requirements. L.A., CAL., MUN. CODE § 46.90.1(b) (1936).	**Yes.** The ordinance survived a preemption challenge from manufacturers. The industry appealed to the Ninth Circuit which affirmed on March 18, 2022. The industry appealed to the U.S. Supreme Court, which denied cert on February 27, 2023. *R.J. Reynolds v. Los Angeles*, No. 2:20-CV-04880 (C.D. Cal Aug. 7, 2020). The ordinance also survived vagueness and due process challenges. *CA Smoke and Vape Assn. v. Los Angeles*, No. 2:20-CV-04065 (C.D. Cal. Aug. 7, 2020).

Jurisdiction / California / Los Angeles County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "After 180 days of the effective date of the Ordinance codified in this Chapter, it shall be a violation of this Chapter for a tobacco retailer/ licensee or its agent(s) or employee(s) to sell or offer for sale, or to possess with the intent to sell or offer for sale, any flavored tobacco product or any component, part, or accessory intended to impart, or imparting a characterizing flavor in any form, to any tobacco product or nicotine delivery device, including electronic smoking devices." LOS ANGELES COUNTY, CAL., CODE § 11.35.070 (E) (2019).	**Yes.** "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen ..." LOS ANGELES COUNTY, CAL., CODE § 11.35.020 (C) (2019).	**Yes.** "Tobacco product means: (1) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means ... (2) Any electronic smoking device that delivers nicotine or other substances ... (3) ... any component, part, or accessory intended or reasonably expected to be used with a tobacco product ..." LOS ANGELES COUNTY, CAL., CODE § 11.35.020 (U) (2019).	**Yes.**	**Yes.** The ordinance survived a preemption challenge from manufacturers. The industry appealed to the Ninth Circuit which affirmed on March 18, 2022. The industry appealed to the U.S. Supreme Court, which denied cert on February 27, 2023. *R.J. Reynolds v. Los Angeles*, No. 2:20-CV-04880 (C.D. Cal Aug. 7, 2020). The ordinance also survived vagueness and due process challenges. *CA Smoke and Vape Assn. v. Los Angeles*, No. 2:20-CV-04065 (C.D. Cal. Aug. 7, 2020).

Jurisdiction / California / Marin County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "The sale or offer for sale, by any person or tobacco retailer of any flavored tobacco product is prohibited and no person or tobacco retailer shall sell, or offer for sale, any flavored tobacco product." MARIN CTY., CAL., CODE § 5.75.040 (a) (2019).	**Yes.** A "characterizing flavor" is "distinguishable taste or aroma or both, other than the taste or aroma of tobacco … include[ing], but not limited to … menthol, mint, wintergreen." MARIN CTY., CAL., CODE § 5.75.030 (a) (2019).	**Yes.** "Tobacco product" includes "any product containing, made, or derived from tobacco or nicotine that is intended for human consumption …" MARIN CTY., CAL., CODE § 5.75.030 (g)(1) (2019). and "any electronic device that delivers nicotine … an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah." MARIN CTY., CAL., CODE § 5.75.030 (g)(2).	**Yes.**	**No.**

Jurisdiction / California / Mendocino County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this Chapter for any Tobacco Retailer or any of the Tobacco Retailer's agents or employees to Sell or offer for Sale, or to possess with intent to Sell or offer for Sale, any Flavored Tobacco Product." MCC § 6.20.015(a) (2020).	**Yes.** "'Characterizing Flavor' means a distinguishable taste or aroma … including, but not limited to … menthol, mint, wintergreen …" MCC § 6.20.010(c) (2020).	**No.** "'Flavored Tobacco Product" means any tobacco product (other than cigarettes as defined by federal law) that contains a constituent that imparts a characterizing flavor." MCC § 6.020.010(f) (2020).	**Yes.** "It shall be a violation of this Chapter for any Tobacco Retailer or any of the Tobacco Retailer's agents or employees to Sell or offer for Sale, or to possess with intent to Sell or offer for Sale, any Flavored Tobacco Product." MCC § 6.20.015(a) (2020).	**No.**

Jurisdiction / California / Monterey County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this Chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product." MONTEREY COUNTY, CAL., CODE § 7.80.040 (2022).	Yes. "'Flavored tobacco product' shall mean any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by a consumer either prior to, or during the consumption of, a tobacco product, including but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey or any candy, dessert, alcoholic beverage, herb or spice." MONTEREY COUNTY, CAL., CODE § 7.80.020 (2022).	Yes. "'Tobacco product' means any substance containing tobacco leaf- including but not limited to cigarettes, cigars, pipe tobacco, hookah, tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco - and any product or formulation of matter containing biologically active amounts of nicotine that is product or matter will be introduced into the human body." MONTEREY COUNTY, CAL., CODE § 7.80.020 (2022).	Yes. "'Tobacco retailer' means any person who engages in tobacco retailing. 'Tobacco retailing' means selling, offering for sale, exchanging, or offering to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchanged, or offered for exchange." MONTEREY COUNTY, CAL., CODE § 7.80.020 (2022).	No.

Jurisdiction / California / Napa

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It is a violation of this code for any responsible person to sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product." NCC § 8.20.050(A) (2020).	**Yes.** "Characterizing flavors include, but are not limited to, tastes or aromas relating to … menthol, mint, wintergreen …" NCC § 8.20.020 (2020).	**No.** Shisha tobacco sold in a hookah tobacco retailer, premium cigars, and loose tobacco are not included. NCC § 8.20.050(B)(1-3) (2020).	**No.** Hookah tobacco retailers and cigar lounges are not included. NCC § 8.20.050(B)(1-2) (2020).	**No.**

Jurisdiction / California / Oakland

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this Chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product. ... A tobacco product is presumed to be a flavored tobacco product if a Tobacco Retailer, Manufacturer, or any employee or agent of a Tobacco Retailer or Manufacturer has: (a) Made a public statement or claim that the tobacco product has or produces a characterizing flavor, including, but not limited to, text and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate information about the flavor, taste or	Yes. "'Characterizing Flavor' means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted by a Tobacco Product or any byproduct produced by the Tobacco Product, including, but not limited to ... menthol, mint, wintergreen ... ; provided, however that a tobacco product shall not be determined to have a Characterizing Flavor solely because of the use of additives or flavorings or the provision of ingredient information." OAKLAND, CAL., CODE 5.91.010 (2019).	Yes. "'Tobacco Product' as used in this Chapter means: (a) [a]ny product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff; and (b) [a]ny Electronic Smoking Device ..." OAKLAND, CAL., CODE 5.91.010 (2019).	Yes.	No.

Jurisdiction / California / Oakland / *continued*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
aroma of a tobacco product [or] (b) Taken actions directed to consumers that would be reasonably expected to result in consumers believing that the tobacco product imparts a characterizing flavor." OAKLAND, CAL., CODE 5.91.030(C) (2019).				

Jurisdiction / California / Oxnard

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for any retailer to sell or offer for sale any flavored tobacco product." OXNARD, CAL., CODE § 11-374 (A) (2019).	Yes. A flavored tobacco product is defined as "any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to … menthol, mint, wintergreen …" OXNARD, CAL., CODE § 11-370 (F) (2019).	Yes. "Tobacco product means (1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by other means … (2) any electronic smoking device as defined in this article and any substances that may be aerosolized or vaporized by such device; or (3) any component, part, or accessory of (1) or (2) …" OXNARD, CAL., CODE § 11-370 (L) (2019).	Yes.	No.

Jurisdiction / California / Palmdale

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this section for any tobacco retailer or any of permittee's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored electronic cigarette product." PALMDALE, CAL., CODE § 5.04.480 (2024).	**Yes.** "'Flavored electronic cigarette product'" shall mean any product used in an electronic cigarette, containing, as a constituent or additive, an artificial or natural flavor or an herb or spice, including but not limited to tobacco, mint, menthol, spearmint, wintergreen ..." PALMDALE, CAL., CODE § 5.04.480 (2024).	**No.** Only "electronic cigarette products" are included. PALMDALE, CAL., CODE § 5.04.480 (2024).	**Yes.**	**Yes.** Ordinance challenged on preemption, vagueness, due process grounds, but plaintiffs voluntarily withdrew case. *CA Smoke and Vape Assn., Inc. et al v. City of Palmdale* (2020) No. 2:20-cv-05039 (C.D. Cal., filed Jun 07, 2020).

Jurisdiction / California / Pasadena

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this chapter for a tobacco retailer or its agent(s) or employee(s) to sell or offer for sale, to display or advertise, or to possess with intent to sell or offer for sale, any flavored tobacco product, including menthol, or any component, part, or accessory intended to impart a characterizing flavor in any form, to any tobacco product or nicotine delivery device, including electronic smoking devices, flavored little cigars, flavored hookah, and tobacco look-alike products." PMC § 8.78.063 (2021).	**Yes.** "It shall be a violation of this chapter for a tobacco retailer or its agent(s) or employee(s) to sell or offer for sale … any flavored tobacco product, including menthol …" PMC § 8.78.063 (2021).	**Yes.** "'Tobacco product' means any of the following: 1. a. A product containing, made or derived from tobacco or nicotine … ; b. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device … ; c. Any component, part, or accessory of a tobacco product, whether or not sold separately …" PMC § 8.78.040(L) (2021).	**Yes.** "It shall be a violation of this chapter for a tobacco retailer or its agent(s) or employee(s) to sell or offer for sale … any flavored tobacco product …" PMC § 8.78.063 (2021).	**No.**

Jurisdiction / California / Pleasanton

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for any tobacco retailer, tobacco store or their agents or employees to sell or offer for sale, give or furnish at no cost or nominal cost, or to possess with intent to sell or offer for sale, any flavored tobacco product. This prohibition is applicable citywide." PMC § 9.32.030(A) (2020).	Yes. "'Characterizing flavor' means a taste or aroma … including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen …" PMC § 9.32.020(B) (2020).	Yes. "'Tobacco product' means … 1. A product containing, made, or derived from tobacco or nicotine … 2. An electronic device that delivers nicotine, other substances or other vaporized liquids … 3. Any component, part, or accessory of a tobacco product, whether or not sold separately …" PMC § 9.32.020(W) (2020).	No. "Wholesalers and distributors may sell flavored tobacco products to other wholesalers, distributors and retailers." PMC § 9.32.040 (2020).	No.

Jurisdiction / California / Redding

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for any tobacco retailer to sell any flavored tobacco product." REDDING, CA, CODE § 6.13.040(J) (2025).	Yes. "'Flavored tobacco product' means any tobacco product that imparts one or more of the following: (A) A taste or odor distinguishable by an ordinary consumer, other than the taste or odor of tobacco, either prior to or during the consumption of such tobacco product, including but not limited to tastes or odors relating to ... mint, wintergreen, menthol, herb, or spice; or (B) A heating, cooling, or numbing sensation distinguishable by an ordinary consumer during the consumption of such tobacco product." REDDING, CA, CODE § 6.13.020 (2025).	Yes. "It shall be unlawful for any tobacco retailer to sell any flavored tobacco product." REDDING, CA, CODE § 6.13.040(J) (2025).	Yes. "Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration tobacco products or tobacco paraphernalia. This definition shall be without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange." REDDING, CA, CODE § 6.13.020 (2025).	No.

Jurisdiction / California / Redwood City

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. A. No person or tobacco retailer shall sell or distribute any flavored tobacco product, except those businesses with a valid tobacco retailer's permit selling flavored tobacco exclusively for on-site hookah consumption as of November 22, 2021. Such exception cannot be transferred or assigned to a subsequent owner of a qualifying business. Redwood City, Cal., Code § 15.41(A) (2021).	Yes. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor including, but not limited to, text, color, and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor. Redwood City, Cal., Code § 15.41(B) (2021).	No. Prohibition does not apply to "those businesses with a valid tobacco retailer's permit selling flavored tobacco exclusively for on-site hookah consumption as of November 22, 2021. Such exception cannot be transferred or assigned to a subsequent owner of a qualifying business." Redwood City, Cal., Code § 15.41(A) (2021).	No. Prohibition does not apply to "those businesses with a valid tobacco retailer's permit selling flavored tobacco exclusively for on-site hookah consumption as of November 22, 2021. Such exception cannot be transferred or assigned to a subsequent owner of a qualifying business." Redwood City, Cal., Code § 15.41(A) (2021).	

Jurisdiction / California / Richmond

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell, offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product." RICHMOND, CAL., CODE § 7.106.030 (j)(1)(2019).	Yes. "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen ..." RICHMOND, CAL., CODE § 7.106.020 (2019).	Yes. "Tobacco product means: (1) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means ... (2) Any electronic smoking device that delivers nicotine or other substances ... (3 ... any component, part, or accessory intended or reasonably expected to be used with a tobacco product ..." RICHMOND, CAL., CODE § 7.106.020 (2019).	Yes.	No.

Jurisdiction / California / Sacramento

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It is a violation of a license for a licensee or his or her agents or employees to sell or offer for sale any flavored tobacco product …" SACRAMENTO, CALIF., CODE § 5.138.100(A).	Yes. "'Flavored tobacco product' means any tobacco product that imparts a characterizing flavor." "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen …" SACRAMENTO, CALIF., CODE § 5.138.030 (emphasis added).	Yes. "'Tobacco product' means: 1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff; 2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah …" SACRAMENTO, CALIF., CODE § 5.138.030.	Yes.	No.

Jurisdiction / California / Sacramento County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of a license for a licensee or his or her agents or employees to sell or offer for sale any flavored tobacco product." SCC § 4.07.100(A) (2022).	Yes. "'Characterizing flavor' means a taste or aroma ... including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen ..." SCC § 4.07.030 (2022).	Yes. "'Tobacco product' shall be as defined in Business and Professions Code section 22950.5." SCC § 4.07.030 (2022).	Yes. "It shall be a violation of a license for a licensee or his or her agents or employees to sell or offer for sale any flavored tobacco product." SCC § 4.07.100(A) (2022).	No.

Jurisdiction / California / San Diego

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It is unlawful for any person, business, tobacco retailer, or electronic cigarette retailer to sell or distribute flavored tobacco products." SAN DIEGO, CAL., MUN. CODE § 42.1603(a) (2023).	Yes. "Flavored tobacco products means a tobacco product that emits a taste or smell, other than the taste or smell of tobacco, including ... mint, menthol, wintergreen ...." SAN DIEGO, CAL., MUN. CODE § 42.1602 (2023).	No. "This section does not apply to the sale of sisha, premium cigars, or loose-leaf tobacco." SAN DIEGO, CAL., MUN. CODE § 42.1603(b) (2023).	Yes.	No.

Jurisdiction / California / San Diego County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "A tobacco retailer, or any of the tobacco retailer's agents or employees, shall not sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer." SAN DIEGO COUNTY, CAL., CODE § 21.2604(a) (2020).	Yes. "'Flavored tobacco product' means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to ... menthol, mint, wintergreen ..." SAN DIEGO COUNTY, CAL., CODE § 21.2602(i) (2020).	No. "This section shall not apply to the sale of flavored shisha tobacco products by a hookah tobacco retailer if all of the following conditions are met: (1) The hookah tobacco retailer has a valid license to sell tobacco products issued pursuant to Chapter 2 (commencing with section 22971.7) of Division 8.6 of the California Business and Professions Code. (2) The hookah tobacco retailer does not permit any person under 21 years of age to be present or enter the premises at any time. (3) The hookah tobacco retailer shall operate in accordance with all relevant state and local laws relating to the sale of tobacco products. (4) If consumption of tobacco products is allowed on the premises of the hookah tobacco retailer, the hookah tobacco retailer shall operate	Yes.	Yes. Yes. Separate lawsuits brought by tobacco manufacturers and retailers on preemption grounds. Both cases were dismissed in March 2021. (*N'hood Market Assn., Inc. et al v. Cty. of San Diego*, No. 3:20-cv-01124 (S.D. Cal. 2021); *R.J. Reynolds Tobacco Co. et al v. Cty. of San Diego*, No. 3:20- cv-01290 (S.D. Cal. 2021).

Jurisdiction / California / San Diego County / *continued*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
		in accordance with all state and local laws relating to the consumption of tobacco products on the premises of a tobacco retailer, including, but not limited to, section 6404.5 of the Labor Code." and "This section shall not apply to loose leaf tobacco or premium cigars." SAN DIEGO COUNTY, CAL., CODE § 21.2604 (c) & (d) (2020).		

Jurisdiction / California / San Francisco

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "The sale or distribution by an Establishment of any Flavored Tobacco Product is prohibited." S.F., CAL., HEALTH CODE § 19Q.3 (2019).	**Yes.** "'Characterizing Flavor' means a Distinguishable taste or aroma or both, other than the taste or aroma of tobacco … Characterizing Flavors include, but are not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice." S.F., CAL., HEALTH CODE § 19Q.2 (2019) (emphasis added).	**Yes.** "'Tobacco Product' has the meaning set forth in Health Code Section 19H.2." S.F., CAL., HEALTH CODE § 19Q.2 (2019). "'Tobacco Product' means (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption … ; (2) any device or component, part, or accessory that delivers nicotine alone or combined with other substances to the person using the device including but not limited to electronic cigarettes, cigars, or pipes …" S.F., CAL., HEALTH CODE § 19H.2 (2019).	**Yes.**	**No.**

Jurisdiction / California / San Jose

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "Except as permitted in paragraph 2 of this subsection E, no Tobacco Retailer shall sell a Tobacco Product containing, as a constituent or additive, an artificial or natural flavor or aroma (other than tobacco) or an herb or spice …" SJMC § 6.87.300(E) (2021).	Yes. "Except as permitted in paragraph 2 of this subsection E, no Tobacco Retailer shall sell a Tobacco Product containing, as a constituent or additive, an artificial or natural flavor or aroma (other than tobacco) or an herb or spice, including but not limited to … mint, menthol …" SJMC § 6.87.300(E) (2021).	No. "The prohibition of the sale of those Tobacco Products described in Subsection E does not apply to the following sales … c. Loose leaf tobacco or premium cigars." SJMC § 6.87.300(E)(2) (2021).	No. "The prohibition of the sale of those Tobacco Products described in Subsection E does not apply to the following sales: a. Shisha Tobacco Products by a Tobacco Retailer provided all of the following conditions are met … b. Premium cigars sold in cigar lounges where products are purchased and consumed on the Premises …" SJMC § 6.87.300(E)(2) (2021).	No.

Jurisdiction / California / San Leandro

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No tobacco retailer, nor any of the retailer's agents or employees, shall sell or offer for sale, or possess with intent to sell or offer for sale, any flavored tobacco product." SAN LEANDRO, CAL., CODE § 4.36.150(l) (2019).	**Yes.** Characterizing flavor is defined as " a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product, including ... menthol, mint, wintergreen ... " SAN LEANDRO, CAL., CODE § 4.36.100 (2020).	**No.** "'Flavored tobacco product' means any tobacco product (other than cigarettes as defined by the U.S. Food and Drug Administration) ..." SAN LEANDRO, CAL., CODE § 4.36.100 (2020).	**Yes.** "'Tobacco retailer' means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia, tobacco products or tobacco paraphernalia. ... This definition is without regard to the quantity ... sold, offered for sale, exchanged, or offered for exchange." SAN LEANDRO, CAL., CODE § 4.36.100 (2019).	**No.**

Jurisdiction / California / San Mateo

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "The sale or offer for sale, by any person or tobacco retailer of any flavored tobacco product is prohibited and no person or tobacco retailer shall sell, or offer for sale, any flavored tobacco product." San Mateo, Cal., Code § 7.40.130(a) (2020).	**Yes.** "'Characterizing flavor' means a distinguishable taste or aroma or both, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include ... menthol, mint, wintergreen ..." San Mateo, Cal., Code § 7.40.130(c)(1) (2020).	**Yes.** "'Tobacco product' means any substance containing tobacco leaf, including cigarettes, cigars, loose tobacco, snuff or any other preparation of tobacco which may be used for smoking, chewing, inhalation or other means of ingestion; and any electronic cigarette or other electronic device used to generate smoke ..." San Mateo, Cal., Code § 7.40.020(l) (2020).	**Yes.**	**No.**

Jurisdiction / California / San Mateo County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No Person or Tobacco Retailer shall sell or offer to sell any Flavored Tobacco Product or Tobacco Product Flavor Enhancer." SAN MATEO COUNTY, CAL., CODE § 4.98.160 (2023).	**Yes.** "'Characterizing flavor' means a distinguishable taste or aroma or both, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include, but are not limited to … menthol, mint, wintergreen …" SAN MATEO COUNTY, CAL., CODE § 4.98.100 (2023).	**Yes.** Tobacco product means "(1) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means … (2) Any electronic smoking device that delivers nicotine or other substances … (3) … any component, part, or accessory intended or reasonably expected to be used with a tobacco product …" SAN MATEO COUNTY, CAL., CODE § 4.98.100 (2023).	**Yes.**	**No.**

Jurisdiction / California / Santa Ana

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for a tobacco retailer, or any of the tobacco retailer's agents or employees, to sell, offer for sale, possess with intent to sell or offer for sale, a flavored tobacco product." SANTA ANA, CAL., MUN. CODE § 18-92(c) (1969).	**Yes.** "'Characterizing flavor' means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco … including … menthol, mint, wintergreen …." SANTA ANA, CAL., MUN. CODE § 18-90(b) (1969).	**Yes.** "'Flavored tobacco product' means any tobacco product that imparts a characterizing flavor." SANTA ANA, CAL., MUN. CODE § 18-90(d) (1969).	**Yes.** The definition of "Tobacco retailer" is "without regard to the quantity of tobacco, tobacco products sold, offered for sale, exchanged, or offered for exchange." SANTA ANA, CAL., MUN. CODE § 18-90(h) (1969).	**No.**

Jurisdiction / California / Santa Barbara County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person engaged in tobacco retailing may ... Sell a flavored tobacco product ... " SANTA BARBARA COUNTY, CAL., CODE § 37A-9.5 (4)(a)(2019).	Yes. "'Flavored tobacco product' means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen ..." SANTA BARBARA COUNTY, CAL., CODE § 37A-2 (g)(2019).	Yes. "Tobacco product means: (1) Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) Any electronic smoking device ... (3) Any component, part, or accessory of (1) or (2) ..." SANTA BARBARA COUNTY, CAL., CODE § 37A-2 (o) (2019).	Yes.	No.

Jurisdiction / California / Santa Clara County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No Retailer shall Sell a Tobacco Product containing … an artificial or natural flavor or aroma (other than tobacco) or an herb or spice, including but not limited to strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, mint, menthol, or coffee, that is a characterizing flavor or aroma of the Tobacco Product, smoke, or vapor produced." SANTA CLARA CTY., CAL., CODE § B11-578(i)(1) (2020).	**Yes.** "An artificial or natural flavor or aroma … including but not limited to … mint, menthol." SANTA CLARA CTY., CAL., CODE § B11-578(i)(1) (2020).	**Yes.** "Tobacco Product means any product subject to Subchapter IX (21 U.S.C. et seq. … of the Federal Food, Drug, and Cosmetic Act … Products include, but are not limited to, cigarettes, cigarette tobacco … and Electronic Cigarette Products." SANTA CLARA CTY., CAL., CODE § B11-577(i) (2020).	**No.** The law "shall not apply to any Retailer that meets all of the following criteria: (i) primarily sells tobacco products; (ii) generates more than 60 percent of its gross revenues annually from the sale of Tobacco Products; (iii) does not permit any individual under 21 years of age to be present or enter the premises at any time … (iv) does not sell alcoholic beverages or food consumption on the premises; and (v) posts a sign outside a retail location that clearly, sufficiently, and conspicuously informs the public that individuals under 21 years of age are prohibited from entering the premises." SANTA CLARA CTY., CAL., CODE § B11-578 (i)(3) (2020).	**No.**

Jurisdiction / California / Santa Cruz County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product. " SANTA CRUZ COUNTY, CAL., CODE § 5.60.040(I) (2020).	Yes. "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen ..." SANTA CRUZ COUNTY, CAL., CODE § 5.60.020(A) (2020).	Yes. "Tobacco product means: (1) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means ... (2) Any electronic smoking device; and (3) Any component, part, or accessory intended or reasonably expected to be used with a tobacco product ..." SANTA CRUZ COUNTY, CAL., CODE § 5.60.020(R) (2020).	Yes.	No.

Jurisdiction / California / Santa Maria

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this Chapter for any Tobacco Retailer or any of the Tobacco Retailer's agents or employees to Sell or offer for Sale, or to possess with intent to Sell or offer for Sale, any Flavored Tobacco Product" SANTA MARIA, CAL., ORDINANCE NO. 2019-11 § 6-13.11.	**Yes.** "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted prior to or during consumption of a Tobacco Product or any byproduct produced by the Tobacco Product including, but not limited to, tastes or aroma relating to menthol, mint, wintergreen ..." SANTA MARIA, CAL., ORDINANCE NO. 2019-11 § 6-13.01(B).	**Yes.** "'Tobacco Product' means: (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to Cigarettes, Cigars, Little Cigars, chewing tobacco, pipe tobacco, snuff; and (2) any electronic smoking device that delivers nicotine or other substances to the Person inhaling from the device including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe or electronic hookah, and specifically includes the cartridges or vaping capsules. ..." SANTA MARIA, CAL., ORDINANCE NO. 2019-11 § 6-13.01(X).	**Yes.**	**No.**

Jurisdiction / California / Sonoma County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. Flavored Tobacco Product Sales Prohibited. It shall be unlawful for any tobacco retailer to sell any flavored tobacco product. SONOMA COUNTY, CALIFORNIA CODE OF ORDINANCES § 32A-4(a) (2024).	Yes. Flavored Tobacco Product Sales Prohibited. It shall be unlawful for any tobacco retailer to sell any flavored tobacco product. SONOMA COUNTY, CALIFORNIA CODE OF ORDINANCES § 32A-4(a) (2024).	Yes. Flavored Tobacco Product Sales Prohibited. It shall be unlawful for any tobacco retailer to sell any flavored tobacco product. SONOMA COUNTY, CALIFORNIA CODE OF ORDINANCES § 32A-4(a) (2024).	Yes. Flavored Tobacco Product Sales Prohibited. It shall be unlawful for any tobacco retailer to sell any flavored tobacco product. SONOMA COUNTY, CALIFORNIA CODE OF ORDINANCES § 32A-4(a) (2024).	No.

Jurisdiction / California / Sunnyvale

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It is unlawful for any tobacco retailer, its agents, employees, or assigns to sell or offer for sale, or possess with intent to sell or offer to sell any flavored tobacco product." SMC § 9.28.070(e) (2020).	Yes. "'Characterizing flavor' means a taste or aroma … including, but not limited to, menthol, mint, wintergreen …" SMC § 9.28.020(c) (2020).	Yes. "'Tobacco product' means any product containing, made from, or derived from tobacco or nicotine …" SMC § 9.28.020(w) (2020).	Yes. "It is unlawful for any tobacco retailer, its agents, employees, or assigns to sell or offer for sale, or possess with intent to sell or offer to sell any flavored tobacco product." SMC § 9.28.070(e) (2020).	No.

Jurisdiction / California / Vajello

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for any tobacco retailer to sell any flavored tobacco product." VALLEJO, CAL., CODE § 5.10.030 (2024)	Yes. "Flavored tobacco product means any tobacco product that imparts: 1. A taste or odor, other than the taste or odor of tobacco, that is distinguishable by an ordinary consumer, either prior to or during the consumption of such tobacco product, including but not limited to, tastes or odors relating to any fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, candy, dessert, alcoholic beverage, herb, or spice; or 2. A cooling or numbing sensation distinguishable by an ordinary consumer during the consumption of such tobacco product. Any communication by or on behalf of the manufacturer or retailer of a tobacco product that such tobacco product imparts a taste or odor other than the taste or odor of	Yes. "Tobacco product means: 1. Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or snus; and 2. Any electronic device that delivers nicotine or any other substances to the person inhaling from the device, that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine, including, but not limited to, a vaporizer/ vape, electronic cigarette, electronic cigar, electronic pipe, or electronic hookah; or 3. Any component, part, or	Yes. "Tobacco retailer means any person who sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco products. This definition is without regard to the quantity of tobacco products sold, offered for sale, exchanged, or offered for exchange." VALLEJO, CAL., CODE § 5.10.010 (2024)	No.

Jurisdiction / California / Vajello / *continued*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
	tobacco, or that imparts a cooling or numbing sensation, constitutes presumptive evidence that the tobacco product is a flavored tobacco product." VALLEJO, CAL., CODE § 5.10.010 (2024)	accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes." VALLEJO, CAL., CODE § 5.10.010 (2024)		

Jurisdiction / California / Ventura (San Buenaventura)

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or deliver or offer for sale or delivery, or to possess with intent to sell or offer for sale, any flavored tobacco product to a person in the city." VENTURA, CAL., CODE § 8.350.040 (D) (2019).	Yes. "'Characterizing flavor' means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen ..." VENTURA, CAL., CODE § 8.350.020 (2019).	No. "[T]obacco retailers shall be permitted to sell flavored hookah tobacco for on-site use and consumption, subject to all state and federal regulations." VENTURA, CAL., CODE § 8.350.040 (F) (2019).	Yes.	No.

Jurisdiction / California / Ventura County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "[N]o person or flavored vaping products retailer, or its agents or employees, shall sell or exchange or offer for sale or exchange, or possess with the intent to sell or exchange or offer for sale or exchange, any flavored vaping products or any flavored vaping products paraphernalia ..." VENTURA COUNTY, CAL., CODE DIV. 6 CH. 8.5 § 6834 (2019).	Yes. "'Flavored vaping products' means any product containing flavored nicotine or other flavored substances, made or derived from flavored nicotine or other flavored substances, whether natural or synthetic, that is intended for human consumption and is heated, inhaled, smoked, snorted or sniffed through an electronic smoking device. 'Flavored vaping products' does not include tobacco-only flavored vaping products.' VENTURA COUNTY, CAL., CODE DIV. 6 CH. 8.5 § 6833 (B) (2019).	No. See first box.	Yes.	No.

Jurisdiction / California / Victorville

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "The following shall be prohibited at any tobacco retailer business location: … The sale of flavored tobacco products or presumptive flavored tobacco products." VICTORVILLE, CAL., CODE § 16-3.07.015 (2024)	**Yes.** "The following shall be prohibited at any tobacco retailer business location: … The sale of flavored tobacco products or presumptive flavored tobacco products." VICTORVILLE, CAL., CODE § 16-3.07.015 (2024)	**Yes.** "The following shall be prohibited at any tobacco retailer business location: … The sale of flavored tobacco products or presumptive flavored tobacco products." VICTORVILLE, CAL., CODE § 16-3.07.015 (2024)	**Yes.** "The following shall be prohibited at any tobacco retailer business location: … The sale of flavored tobacco products or presumptive flavored tobacco products." VICTORVILLE, CAL., CODE § 16-3.07.015 (2024)	**No.**

Jurisdiction / California / Yolo County*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "[I]t shall be a violation of this Chapter for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration: (1) Any Flavored Tobacco Product." YOLO COUNTY, CAL., CODE § 6-15.10(e) (2019).	**Yes.** "'Flavored Tobacco Product' means any Tobacco Product that contains a constituent that imparts a characterizing flavor to the tobacco product or smoke produced by the tobacco product, either by the addition of artificial or natural flavors or an herb or spice, including, but not limited to, menthol ..." YOLO COUNTY, CAL., CODE § 6-15.02(f) (2019).	**Yes.** "'Tobacco Product' means: (1) any substance containing tobacco leaf, including but not limited to cigarettes ... (3) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, pipe, or hookah." YOLO COUNTY, CAL., CODE § 6-15.02(m) (2019).	**Yes.** "[I]t shall be a violation of this Chapter for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration: (1) Any Flavored Tobacco Product." YOLO COUNTY, CAL., CODE § 6-15.10(e) (2019).	**No.**

* Woodland, CA, and Davis, CA, adopted Yolo County's flavor restrictions by reference.

Jurisdiction / Colorado / Boulder

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell, offer for sale or possess with the intent to sell or offer for sale any flavored ESD containing nicotine." BOULDER, COLO., CODE § 6-4.5-2(c) (2023).	**Yes.** A "characterizing flavor" is defined as "distinguishable taste or aroma or both other than the taste or aroma of tobacco" including "menthol, mint, wintergreen." BOULDER, COLO., CODE § 6-4.5-1 (2023).	**No.** "No person shall sell, offer for sale or possess with the intent to sell or offer for sale any flavored ESD containing nicotine." BOULDER, COLO., CODE § 6-4.5-2(c) (2023). "Electronic smoking device or ESD" is defined as "any apparatus containing or capable of delivering nicotine, cannabis, or any other substance intended for human consumption that can be used by an individual to simulate smoking, even if marketed as nicotine- or cannabis-free, through inhalation from the product." BOULDER, COLO., CODE § 6-4.5-1 (2023).	**Yes.** "No person shall sell, offer for sale or possess with the intent to sell or offer for sale any flavored ESD containing nicotine." BOULDER, COLO., CODE § 6-4.5-2(c) (2023).	**No.**

Jurisdiction / Colorado / Denver

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for any retail tobacco store to sell, offer for sale, give, barter, deliver or furnish to a user or consumer any flavored tobacco product or samples of such products." DENVER, COLO., CODE § 24-404 (2024)	**Yes.** "Flavored tobacco product means any tobacco product that imparts a cooling sensation, numbing sensation, taste, or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice ..." DENVER, COLO., CODE § 24-401 (2024)	**No.** "This section shall not apply to hookah tobacco." DENVER, COLO., CODE § 24-404 (2024)	**Yes.** "Retail tobacco store means a business of any kind that sells, gives, delivers, or furnishes tobacco products to a user or consumer." DENVER, COLO., CODE § 24-401 (2024)	**No.** No lawsuit, but ordinance survived industry-led repeal referendum on Nov. 4, 2025, by a voter margin of 70 percent.

Jurisdiction / Hawaii / Maui County*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
		Trigger law. Not in effect.		No.
Yes. "No retailer may … [s]ell, offer for sale, or possess with the intent to sell or offer for sale a flavored tobacco product; … [d]isplay, market, or advertise for sale a flavored tobacco product." MAUI COUNTY, HI, CODE § 8.22.030 (2024).	Yes. ""Flavored tobacco product" means a tobacco product that imparts: 1. A taste or smell, or both, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer before, during, or after the consumption of a tobacco product, including any taste or smell relating to fruit, menthol, mint, wintergreen, …; or 2. A cooling or numbing sensation distinguishable by an ordinary consumer during consumption of the tobacco product." MAUI COUNTY, HI, CODE § 8.22.010 (2024).	Yes. "No retailer may … [s]ell, offer for sale, or possess with the intent to sell or offer for sale a flavored tobacco product; … [d]isplay, market, or advertise for sale a flavored tobacco product." MAUI COUNTY, HI, CODE § 8.22.030 (2024).	Yes. "No retailer may … [s]ell, offer for sale, or possess with the intent to sell or offer for sale a flavored tobacco product; … [d]isplay, market, or advertise for sale a flavored tobacco product." MAUI COUNTY, HI, CODE § 8.22.030 (2024).	

* Trigger law effective once state preemption is repealed.

Jurisdiction / Illinois / Chicago

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes — in all e-cigarettes, but other tobacco products only within buffer zone. "No licensee engaged in the business of retail tobacco dealer shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products, samples of such products, or accessories for such products at any location within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago." CHICAGO, ILL., CODE § 4-64-515(b) (2019). "No person shall sell, give away, barter, exchange, or otherwise furnish to any other person any flavored liquid nicotine product."	**Yes.** "'Flavored tobacco product' means any tobacco product, other than a liquid nicotine product, that contains a constituent that imparts a characterizing flavor … '[C]haracterizing flavor' means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product, including but not limited to tastes or aromas of menthol, mint, wintergreen …" "'Flavored liquid nicotine product" means any liquid nicotine product that contains a constituent that imparts a characterizing flavor … '[C]haracterizing flavor' means a distinguishable taste or aroma imparted either prior to or during consumption of a liquid nicotine product,	**Yes.** "'Tobacco product' means any electronic cigarette as defined herein or component or part thereof or any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from tobacco, which product is intended to enable human consumption of the tobacco or nicotine, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means …" CHICAGO, ILL., CODE § 4-64-100 (2020). "'Electronic cigarette' means any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation."	**No.** "No licensee engaged in the business of retail tobacco dealer shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products. … This subsection does not apply to retail tobacco stores. For purposes of this subsection, 'retail tobacco store' has the meaning ascribed to the term in Section 7-32-010." CHICAGO, ILL., CODE § 4-64-515(b) (2019). "'Retail tobacco store' means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, cigarettes, cigarillos, cigars, pipes, other smoking devices and accessories, hookahs and related products, and/or electronic cigarettes and related products, and in which the sale of other products is	**Yes.** Ordinance survived challenge on preemption, vagueness, due process grounds. *Independents Gas & Serv. Stations Ass'ns, Inc. v. City of Chicago*, 112 F. Supp. 3d 749 (N.D. Ill. 2015).

Jurisdiction / Illinois / Chicago / *continued*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
CHICAGO, ILL., CODE § 4-64-355(c) (2020).	including but not limited to tastes or aromas of menthol, mint, wintergreen …" CHICAGO, ILL., CODE § 4-64-100 (2020).	CHICAGO, ILL., CODE § 7-32-010 (2019).	merely incidental. 'Retail tobacco store' does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license." CHICAGO, ILL., CODE § 7-32-010 (2019).	

Jurisdiction / Illinois / Cook County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No retailer shall sell, give away, barter, exchange or otherwise furnish to any other person any flavored liquid nicotine product … It shall be unlawful for retailers to display any flavored liquid nicotine product …" COOK COUNTY, IL, CODE § 54-305(i) (2023).	Yes. "Flavored liquid nicotine product means any liquid nicotine product that contains a constituent that imparts a characterizing flavor.... 'characterizing flavor' means a distinguishable taste or aroma, imparted either prior to or during consumption of a liquid nicotine product, including, but not limited to, tastes or aromas of menthol, mint, wintergreen,... but shall not include the taste or aroma of tobacco …" COOK COUNTY, IL, CODE § 54-305(i) (2023).	No. "No retailer shall sell, give away, barter, exchange or otherwise furnish to any other person any flavored liquid nicotine product … It shall be unlawful for retailers to display any flavored liquid nicotine product …" COOK COUNTY, IL, CODE § 54-305(i) (2023).	Yes.	No.

Jurisdiction / Illinois / Evanston

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for any retailer to sell, offer for sale, display, market, or advertise any flavored tobacco product, including menthol products ..." EVANSTON, ILL., CODE § 3-14-14 (2023)	Yes. "It shall be unlawful for any retailer to sell, offer for sale, display, market, or advertise any flavored tobacco product, including menthol products ..." EVANSTON, ILL., CODE § 3-14-14 (2023)	Yes. "It shall be unlawful for any retailer to sell, offer for sale, display, market, or advertise any flavored tobacco product, including menthol products ..." EVANSTON, ILL., CODE § 3-14-14 (2023)	Yes. "It shall be unlawful for any retailer to sell, offer for sale, display, market, or advertise any flavored tobacco product, including menthol products ..." EVANSTON, ILL., CODE § 3-14-14 (2023)	No.

Jurisdiction / Maine

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "Except as provided in subsection 5-A, a person may not sell or distribute or offer to sell or distribute in this State any flavored cigar unless the cigar is a premium cigar." ME. STAT. TIT. 22, § 1560D(2) (2020). "Any flavored cigar that the Attorney General determined had no characterizing flavor or was otherwise exempt under former subsection 5 is exempt from the prohibition on flavored nonpremium cigars in subsection 2 so long as no material change is made to the cigar's flavoring, packaging or labeling subsequent to the Attorney General's determination." ME. STAT. TIT. 22, § 1560D(5-A) (2020).	**No.** "'Characterizing flavor' means a distinguishable taste or aroma of candy, chocolate, vanilla, fruit, berry, nut, herb, spice, honey or an alcoholic drink that is imparted to tobacco or tobacco smoke either prior to or during consumption. 'Characterizing flavor' does not include a taste or aroma from tobacco." This definition does not include menthol. ME. STAT. TIT. 22, § 1560D(1)(A) (2020).	**No.** "'Flavored cigar' means a cigar or any component part of the cigar that contains a constituent that imparts a characterizing flavor." ME. STAT. TIT. 22, § 1560D(1)(D) (2020).	**Yes.**	**No.**

Jurisdiction / Maryland

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "The Comptroller's Field Enforcement Division is prioritizing its enforcement actions against those unauthorized products most widely used by children — specifically, cartridge-based and disposable ESDs with flavors other than tobacco or menthol." COMPTROLLER OF MARYLAND, TOBACCO TAX BULLETIN 77 (February 10, 2020).	**No.** " ... flavors other than tobacco or menthol." COMPTROLLER OF MARYLAND, TOBACCO TAX BULLETIN 77 (February 10, 2020).	**No.** Only "cartridge-based and disposable ESDs." COMPTROLLER OF MARYLAND, TOBACCO TAX BULLETIN 77 (February 10, 2020).	**Yes.**	**No.**

Jurisdiction / Maryland / Montgomery County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "A manufacturer must not distribute any flavored electronic cigarette to any retail store within 0.5 miles of any elementary, middle, or high school, library, or recreational facility in the County." MONTGOMERY COUNTY CODE § 24-16(b) (2020).	Yes. "Characterizing flavor means a distinguishing taste or aroma, other than the taste or aroma of tobacco, imparted either before or during use of an electronic cigarette or component part [including] any taste or aroma relating to … mint, menthol, wintergreen …" MONTGOMERY COUNTY CODE § 24-16(a) (2020).	No. Only applies to electronic cigarettes. MONTGOMERY COUNTY CODE § 24-16(b) (2020).	No. Prohibition only applies to retailers within 1 mile of certain locations, e.g., schools. MONTGOMERY COUNTY CODE § 24-16(b) (2020).	No.

Jurisdiction / Massachusetts

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person, retailer or manufacturer shall sell, distribute, cause to be sold or distributed, offer for sale any flavored tobacco product or tobacco product flavor enhancer in any retail establishment, online or through any other means to any consumer in the commonwealth; … No person, retailer or manufacturer shall market or advertise a proposed sale or distribution that is prohibited herein." MASS. GEN. LAWS C.270 § 28(B) (2019).	**Yes.** "Characterizing flavor" includes "menthol, mint." MASS. GEN. LAWS C.270 § 28(A) (2019).	**Yes.** "Tobacco product" includes "electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization regardless of nicotine content in the product." MASS. GEN. LAWS C.270 § 28(A) (2019).	**No.** The law "shall not apply to the sale or distribution by a smoking bar, as defined in section 22, of flavored tobacco products or tobacco product flavor enhancers for on-site consumption." MASS. GEN. LAWS C.270 § 28(B). "'Smoking bar', an establishment that: (i) exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products as defined in section 6 for consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person under 21 years of age; (iii) prohibits a food or beverage not sold directly by the establishment from being consumed on the premises; (iv) maintains a valid permit	**No.**

Jurisdiction / Massachusetts / *continued*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
			for the retail sale of a tobacco product as required to be issued by the appropriate authority in the city or town in which the establishment is located; and (v) maintains a valid permit issued by the department of revenue to operate as a smoking bar." MASS. GEN. LAWS C.270 § 22(A) (2019).	

Jurisdiction / Massachusetts / Boston

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No retailer, retail establishment, or other individual or entity shall sell or distribute, or cause to be sold or distributed, or offer for sale, any flavored tobacco product or tobacco product flavor enhancer to a consumer." Boston Public Health Commission, Youth Access Regulation § III(B)(13) (2020).	**Yes.** Characterizing flavor is defined as "A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or nicotine delivery product or component part thereof, including but not limited to, tastes or aromas relating to menthol, mint or wintergreen …" Boston Public Health Commission, Youth Access Regulation § II(5) (2020).	**Yes.** "Nicotine delivery products include … e-cigarettes …" Boston Public Health Commission, Youth Access Regulation § II(16) (2020). "Tobacco Product – A cigarette, cigar, chewing tobacco, pipe tobacco, bidi, snuff, other tobacco or nicotine delivery product in any form." *Id*. § II(22).	**No.** "Massachusetts law relative to restricting the sale of flavored tobacco and nicotine products and tobacco product flavor enhancer permits these products to be sold only in a smoking bar for on-site consumption." Boston Public Health Commission, Youth Access Regulation § III(B)(13)(a) (2020).	**No.**

Jurisdiction / Massachusetts / Brockton

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product, except in adult-only retail stores." BROCKTON BOARD OF HEALTH, REGULATION II § G (2018).	No. "Characterizing flavor: A distinguishable taste or aroma, other than the taste and aroma of tobacco, menthol, mint or wintergreen ..." BROCKTON BOARD OF HEALTH, REGULATION II § C (2018).	Yes. "Tobacco product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited: ... electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products ... that rely on vaporization or aerosolization." BROCKTON BOARD OF HEALTH, REGULATION II § C (2018).	No. "No person shall sell or distributed any flavored tobacco product, except in adult-only retail stores." BROCKTON BOARD OF HEALTH, REGULATION II § G (2018).	No.

Jurisdiction / Massachusetts / Cambridge

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No retailer, or other individual or entity shall sell or distribute or cause to be sold or distributed or offer for sale any flavored tobacco to a consumer. This provision shall not apply to a retail tobacco store." CAMBRIDGE, MASS., CODE § 8.28.030(K) (2019).	**No.** "Characterizing Flavor. A distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted either prior to or during consumption of a tobacco product ..." CAMBRIDGE, MASS., CODE § 8.28.020 (2019).	**Yes.** "Nicotine Delivery Product. Any manufactured article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption ... Nicotine delivery products include, but are not limited to, e-cigarettes." CAMBRIDGE, MASS., CODE § 8.28.020 (2019). "Tobacco Product. Cigarettes, cigars, chewing tobacco, pipe tobacco, nicotine delivery product, snuff or tobacco in any of its forms." *Id.* "Flavored Tobacco Product. Any tobacco product or component part thereof that contains a constituent that imparts a characterizing flavor." *Id.*	**No.** "No retailer, or other individual or entity shall sell or distribute or cause to be sold or distributed or offer for sale any flavored tobacco to a consumer. This provision shall not apply to a retail tobacco store." CAMBRIDGE, MASS., CODE § 8.28.030(K) (2019).	**No.**

Jurisdiction / Massachusetts / Lawrence

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes.	No.	Yes.	No.	No.

Jurisdiction / Massachusetts / Lowell

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell or distribute or cause to be sold or distributed any flavored product." Regulation of Lowell Board of Health, § O (2016).	No. A "characterizing flavor" is defined as "a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen ..." Regulation of Lowell Board of Health, § C (2016).	Yes. "Tobacco product" means "any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: ... electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products ... that rely on vaporization or aerosolization." Regulation of Lowell Board of Health, § C (2016).	No. There is an exemption for "retail tobacco stores," which are defined as establishments, "whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age ... is prohibited at all times." Regulation of Lowell Board of Health, § C (2016).	No.

Jurisdiction / Massachusetts / Lynn

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product at retail" CITY OF LYNN, MASS., BOARD OF HEALTH REG., § P (2019).	No. "Characterizing flavor" is defined as "a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen" CITY OF LYNN, MASS., BOARD OF HEALTH REG., § C (2019).	Yes. "Tobacco product" is defined as "any product containing, made, or derived from tobacco or nicotine that is intended for human consumption … including, but not limited to … electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, liquid nicotine, e-liquids or other similar products." CITY OF LYNN, MASS., BOARD OF HEALTH REG., § C (2019).	No. Flavored products are banned "except in smoking bars and adult-only retail tobacco stores." CITY OF LYNN, MASS., BOARD OF HEALTH REG., § P (2019).	No.

Jurisdiction / Massachusetts / Newton

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No retailer, or other individual or entity shall sell or distribute or cause to be sold or distributed or offer for sale any flavored tobacco or nicotine product to a consumer." NEWTON, MASS., ORD. CH. 20-2(J) (2019).	**No.** A "characterizing flavor" is defined as "a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen … " NEWTON, MASS., ORD. CH. 20-2(B) (2019).	**Yes.** Nicotine Delivery Product is defined as: "Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption …" NEWTON, MASS., ORD. CH. 20-2(B) (2019).	**No.** There is an exception for "retail tobacco stores" and "retail nicotine delivery product stores." These stores are defined as "establishment[s] … whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and tobacco paraphernalia, or nicotine delivery products, in which the entry of persons under the age of twenty-one (21) is prohibited at all times." NEWTON, MASS., ORD. CH. 20-2(B) & (J) (2019).	**No.**

Jurisdiction / Massachusetts / Somerville

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product ..." SOMERVILLE, MASS., HEALTH REG. PART G (2019).	Yes. "Flavored Tobacco Product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor." "Characterizing Flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product ... including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, menthol, mint, wintergreen ..." SOMERVILLE, MASS., HEALTH REG. PART C (2019).	Yes. "Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption ... including, but not limited to: electronic cigarettes ... [and] any component or part of a tobacco product ..." SOMERVILLE, MASS., HEALTH REG. PART C (2019).	No. "No person shall sell or distributed any flavored tobacco product, except in smoking bars and retail tobacco stores." SOMERVILLE, MASS., HEALTH REG. PART G (2019).	No.

Jurisdiction / Massachusetts / Worcester

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product, except in smoking bars and adult-only retail tobacco stores." Worcester, Mass., Bd. of Health, Reg. Restricting the Sale of Cigars and Flavored Tobacco Products, § (E) (2019).	No. A "characterizing flavor" is defined as "a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen …" Worcester, Mass., Bd. of Health, Reg. Restricting the Sale of Cigars and Flavored Tobacco Products, § (C) (2019).	Yes. "Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, vaped, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization." City of Worcester Regulation Prohibiting Smoking in Workplaces and Public Places	No. Flavored products are banned "except in smoking bars and adult-only retail tobacco stores." Worcester, Mass., Bd. of Health, Reg. Restricting the Sale of Cigars and Flavored Tobacco Products, § (E) (2019).	No.

Jurisdiction / Minnesota / Bloomington

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell or offer for sale any flavored product." BMC § 14.439(b) (2021).	**Yes.** "Flavored product. Any tobacco-related product that contains a taste or smell … including, but not limited to … menthol, mint, wintergreen …" BMC § 14.436 (2021).	**Yes.** "Tobacco-related product. Any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, as those terms are defined in this section." BMC § 14.436 (2021).	**Yes.** "No person shall sell or offer for sale any flavored product." BMC § 14.439(b) (2021).	**No.**

Jurisdiction / Minnesota / Duluth

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell, offer for sale or otherwise distribute any flavored tobacco products." DULUTH, MINN., CODE § 11-11(a) (2019).	Yes. "Flavored tobacco product means any tobacco or tobacco related device that contains a taste or smell, other than the taste or smell of tobacco … including, but not limited to, any taste or smell relating to menthol, mint, wintergreen …" DULUTH, MINN., CODE § 11-11(c) (2019).	Yes. "The terms 'tobacco' and 'tobacco related devices' shall have the meanings given to them in Section 609.685 of the Minnesota Statutes and as the same may from time to time be amended, and shall include electronic cigarettes defined as any electronic-smoking device that can be used to deliver nicotine or any other substances to the person inhaling from the device. The term shall include such devices whether they are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name …" DULUTH, MINN., CODE § 11-1(a) (2019).	No. "No person shall sell, offer for sale or otherwise distribute any flavored tobacco products. This restriction does not apply to retail establishments that: (1) Prohibit persons under the age of 21 from entering at all times; and (2) Derive at least ninety percent of their revenues from the sale of tobacco, tobacco-related devices." DULUTH, MINN., CODE § 11-11(a) (2019).	No.

Jurisdiction / Minnesota / Hennepin County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell or offer for Sale any Flavored Products." HENNEPIN COUNTY ORD. 21 § 7 (2019).	Yes. "Flavored product: Any Licensed Product that contains a taste or smell … including, but not limited to, any taste or smell relating to … menthol, mint, wintergreen …" HENNEPIN COUNTY ORD. 21 § 3 (2019).	Yes. "Licensed Products: The term that collectively refers to any Tobacco, Tobacco-Related Device, Electronic Delivery Device, or Nicotine or Lobelia Delivery Product." HENNEPIN COUNTY ORD. 21 § 3 (2019).	No. Certain retailer conditions are grounds for exemption. HENNEPIN COUNTY ORD. 21 § 7 (2019).	No.

Jurisdiction / Minnesota / Minneapolis

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell, offer for sale, give away, barter, exchange, or otherwise deal in flavored tobacco products or samples of such products." MINNEAPOLIS, MINN., CODE § 281.45(f) (2019).	**Yes.** "Flavored tobacco product means any tobacco product that contains a taste or aroma, other than the taste or aroma of tobacco … including, but not limited to, tastes or aromas of menthol, mint, wintergreen …" MINNEAPOLIS, MINN., CODE § 281.15 (2019).	**Yes.** "Tobacco products means tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products as those terms are defined in this section." MINNEAPOLIS, MINN., CODE § 281.15 (2019). "Electronic delivery device includes, but is not limited to … e-cigarettes …" *Id.* "Tobacco means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption …" Id.	**No.** "No person shall sell, offer for sale, give away, barter, exchange, or otherwise deal in flavored tobacco products or samples of such products. This subsection does not apply to tobacco products shops or to a licensed tobacco dealer [under certain conditions]. This subsection does not apply to licensed off sale liquor stores with regard to menthol, mint or wintergreen flavored tobacco products provided that such an establishment does not permit any persons under the age of twenty-one (21) to be present within the establishment unaccompanied by a parent or guardian." MINNEAPOLIS, MINN., CODE § 281.45(f) (2019).	**No.**

Jurisdiction / Minnesota / Plymouth

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person will sell or offer for sale any flavored products after January 1, 2028." PLYMOUTH CITY, MN, CODE SEC. 1150.05(C)	Yes. "Any licensed product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during consumption or use of the product or device, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb or spice, or a cooling or numbing sensation distinguishable by an ordinary consumer either prior to or during the consumption of such licensed product." PLYMOUTH CITY, MN, CODE SEC. 1150.02	Yes. "Any licensed product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during consumption or use of the product or device, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb or spice, or a cooling or numbing sensation distinguishable by an ordinary consumer either prior to or during the consumption of such licensed product." PLYMOUTH CITY, MN, CODE SEC. 1150.02	Yes. "No person will sell or offer for sale any flavored products after January 1, 2028." PLYMOUTH CITY, MN, CODE SEC. 1150.05(C)	No.

Jurisdiction / Minnesota / Saint Paul

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person may sell, offer for sale, or otherwise distribute any flavored products ..." ST. PAUL, MINN., CODE § 324.07(j) (2021).	Yes. "Flavored product means any tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product that contains a taste or smell, other than the taste or smell of tobacco that is distinguishable by an ordinary consumer either prior to or during [use] ... including, but not limited to, any taste or smell relating to menthol, mint, wintergreen ..." ST. PAUL, MINN., CODE § 324.03(5) (2021).	Yes. "Tobacco or tobacco product means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product." ST. PAUL, MINN., CODE § 324.03(14) (2021). "Electronic delivery device means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product." ST. PAUL, MINN., CODE § 324.03(4) (2021).	No. "Retail stores holding a tobacco products shop license are permitted to sell and offer for sale flavored tobacco products." ST. PAUL, MINN., CODE § 324.07(l)(3) (2021).	No.

Jurisdiction / Minnesota / Sherburne County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be a violation of this Ordinance for any person to offer to sell any licensed product … that is a flavored product to be used as or with an electronic delivery device, except, it shall not be a violation to sell or offer to sell a flavored product to be used as or with an electronic delivery device in a tobacco shop. SHERBURNE COUNTY, MN, ORD. 290, Sec. 1000, subd. 1(B).	Yes. "Flavored product shall mean any licensed product that contains a taste or smell, other than the taste or smell of tobacco, that is distiguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to … menthol, mint, wintergreen …" SHERBURNE COUNTY, MN, ORD. 290, SEC. 300.	No. Only applies to ENDS products. "It shall be a violation of this Ordinance for any person to offer to sell any licensed product … that is a flavored product to be used as or with an electronic delivery device, except, it shall not be a violation to sell or offer to sell a flavored product to be used as or with an electronic delivery device in a tobacco shop." SHERBURNE COUNTY, MN, ORD. 290, Sec. 1000, subd. 1(B).	No. Adult-only tobacco shops are exempt. "It shall be a violation of this Ordinance for any person to offer to sell any licensed product … that is a flavored product to be used as or with an electronic delivery device, except, it shall not be a violation to sell or offer to sell a flavored product to be used as or with an electronic delivery device in a tobacco shop." SHERBURNE COUNTY, MN, ORD. 290, Sec. 1000, subd. 1(B).	No.

Jurisdiction / Montana / Missoula

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It is unlawful for any Tobacco Retailer, licensed under MCA § 16-11-303, to sell, offer for sale, give, possess with the intent to sell or offer for sale, or otherwise distribute a Flavored Tobacco Product or a Tobacco Product Flavor Enhancer that is or can be used in or with an Electronic Smoking Device." MISSOULA MUN. CODE § 8.38.050 (2020).	Yes. "'Flavored Tobacco Product' means a tobacco product that imparts a taste or smell other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but is not limited to, the taste or smell of menthol, mint, wintergreen …" MISSOULA MUN. CODE § 8.38.030(B) (2020).	No. Only covers "electronic smoking devices" or products that can be used in electronic smoking devices. MISSOULA MUN. CODE § 8.38.050 (2020).	Yes.	No.

Jurisdiction / New Jersey

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No retailer, either directly or indirectly by an agent or employee, or by a vending machine owned by the retailer or located in the retailer's establishment, shall sell, offer for sale, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person any vapor product that has a characterizing flavor." N.J. REV. STAT. § 2A:170-51.12(1)(a) (2020).	**Yes.** "'Characterizing flavor' means a distinguishable flavor , taste, or aroma other than tobacco, including, but not limited to, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, mint, menthol, wintergreen, or spice flavoring, that is imparted, prior to or during consumption, by a vapor product, including any smoke or vapor emanating from that product." N.J. REV. STAT. § 2A:170-51.12(1)(e) (2020).	**No.** Only covers "vapor products," meaning "any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah." N.J. REV. STAT. § 2A:170-51.12(1)(e) (2020). Prior to the passage of the Family Smoking Prevention and Tobacco Control Act, which bans flavored cigarettes other than menthol, New Jersey had taken similar action with an additional exception of clove flavors. See N.J. REV. STAT. § 2A:170-51.6 (2020).	**Yes.**	**No.**

Jurisdiction / New Jersey / Jersey City

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for any person to: sell, offer for sale, or distribute, any Electronic Smoking Device which delivers a Flavored Tobacco Product." Jersey City, N.J., Ord. 19-158 § 316-2(A) (2019).	Yes. "Flavored tobacco product" means "any Tobacco Product that contains a taste or smell other than the taste or smell of tobacco … including, but not limited to, any taste or smell similar to chocolate, cocoa, fruit, vanilla, honey, or any candy desert, alcoholic beverage, herb, or spice." Jersey City, N.J., Ord. 19-158 § 316-1 (2019).	No. The law only prohibits flavors delivered via an "Electronic Smoking Device." JERSEY CITY, N.J., ORD. 19-158 § 316-2(A) (2019).	Yes.	No.

Jurisdiction / New Jersey / Paterson

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for any person or entity to: … Sell, or offer for sale, or distribute, any electronic smoking device which delivers a Flavored Smoking Product or sell, offer for sale, or distribute, any Flavored Smoking Product inclusive of menthol." PATERSON, N.J., ORD. 25-030 § 421-14(2) (2025).	Yes. "It shall be unlawful for any person or entity to: … Sell, or offer for sale, or distribute, any electronic smoking device which delivers a Flavored Smoking Product or sell, offer for sale, or distribute, any Flavored Smoking Product inclusive of menthol." PATERSON, N.J., ORD. 25-030 § 421-14(2) (2025).	Yes. "It shall be unlawful for any person or entity to: … Sell, or offer for sale, or distribute, any electronic smoking device which delivers a Flavored Smoking Product or sell, offer for sale, or distribute, any Flavored Smoking Product inclusive of menthol." PATERSON, N.J., ORD. 25-030 § 421-14(2) (2025).	Yes.	No.

Jurisdiction / New York

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No vapor products dealer, or any agent or employee of a vapor products dealer, shall sell or offer for sale at retail in the state any flavored vapor product intended or reasonably expected to be used with or for the consumption of nicotine." N.Y. PUB. HEALTH LAW § 1399-MM-1(2) (2020).	**Yes.** "'[F]lavored' shall mean any vapor product intended or reasonably expected to be used with or for the consumption of nicotine, with a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of such product or a component part thereof, including but not limited to tastes or aromas relating to … mint, wintergreen, menthol …" N.Y. PUB. HEALTH LAW § 1399-MM-1(1) (2020).	**No.** Only covers "vapor products," which means "any noncombustible liquid or gel, regardless of the presence of nicotine therein, that is manufactured into a finished product for use in an electronic cigarette, including any device that contains such noncombustible liquid or gel." N.Y. PUB. HEALTH LAW § 1399-AA(17) (2020).	**Yes.** "'Vapor products dealer' means a person licensed by the commissioner of taxation and finance to sell vapor products in this state." N.Y. PUB. HEALTH LAW § 1399-AA(18) (2020).	**No.**

Jurisdiction / New York / Babylon

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person or entity shall sell or offer for sale at retail any flavored vapor product intended or reasonably expected to be used with or for the consumption of nicotine, unless such product has been authorized for marketing by the U.S. Food and Drug Administration." BABYLON, N.Y., CODE § 213-492 (2025).	No. "No person or entity shall sell or offer for sale at retail any flavored vapor product intended or reasonably expected to be used with or for the consumption of nicotine, unless such product has been authorized for marketing by the U.S. Food and Drug Administration." BABYLON, N.Y., CODE § 213-492 (2025).	No. "No person or entity shall sell or offer for sale at retail any flavored vapor product intended or reasonably expected to be used with or for the consumption of nicotine, unless such product has been authorized for marketing by the U.S. Food and Drug Administration." BABYLON, N.Y., CODE § 213-492 (2025).	Yes.	No.

Jurisdiction / New York / Hempstead

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "[F]lavorings for electronic aerosol delivery systems" are considered to be "age-restricted products," which are prohibited to be sold to anyone under 21. HEMPSTEAD, N.Y., CODE § 121-2(B) (2019).	**Yes.** All flavorings for electronic aerosol delivery systems are age-restricted, without regard to the specific flavor. HEMPSTEAD, N.Y., CODE § 121-2(B) (2019).	**No.** Prohibition only applies to "electronic aerosol delivery systems," which is defined as "[a]n electronic device that, when activated, produces an aerosol that may be inhaled, whether or not such aerosol contains nicotine. 'Electronic aerosol delivery system' includes any component or part but not accessory, and any liquid or other substance to be aerosolized, whether or not separately sold." HEMPSTEAD, N.Y., CODE § 121-2(B) (2019).	**No.** The "restriction shall not apply to tobacco businesses," nor "to places to which admission is restricted to persons 21 years of age or older." HEMPSTEAD, N.Y., CODE § 121-3(D) (2019).	**No.**

Jurisdiction / New York / Nassau County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "E-cigarette and liquid nicotine products may only be offered for sale within the County of Nassau if they are flavorless or tobacco, mint, or menthol flavored." NCC § 9-25.13 (2019).	No.	No. Only applies to electronic cigarettes. NCC § 9-25.13 (2019).	Yes.	No.

Jurisdiction / New York / New York

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "a. 1. It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product except in a tobacco bar. ... b. 1. It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored electronic cigarette or flavored e-liquid." N.Y.C., N.Y., ADMIN. CODE § 17-715 (2020).	**Yes.** "The term 'characterizing flavor' means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product, electronic cigarette or e-liquid, including ... menthol, mint, wintergreen ..." N.Y.C., N.Y., ADMIN. CODE § 17-713 (2020).	**No.** "Flavored electronic cigarette. The term 'flavored electronic cigarette' means any electronic cigarette that imparts a characterizing flavor ... "Flavored e-liquid. The term 'flavored e-liquid' means any e-liquid that imparts a characterizing flavor" ... "Flavored Tobacco Product. The term 'tobacco product' means any product which contains tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, tobacco-containing shisha, or dissolvable tobacco product. Tobacco product shall not include cigarettes, electronic	**No.** "It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product except in a tobacco bar." N.Y.C., N.Y., ADMIN. CODE § 17-715(a) (2020). "Only the following entities may sell or offer for sale flavored tobacco products: (1) Tobacco bars; and (2) Tobacco wholesalers, but only where the sale or offer of sale is made to a tobacco bar or to an entity located outside the City of New York." N.Y.C., N.Y., R. § 28-02(a) (2020).	**Yes.** Manufacturers and distributors preemption challenge failed. *U.S. Smokeless Tobacco Mfg. Co. LLC v. City of N.Y.*, 708 F.3d 428, 430 (2d Cir. 2013).

Jurisdiction / New York / New York / *continued*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
		cigarettes or e-liquid ..." N.Y.C., N.Y., ADMIN. CODE § 17-713 (2020).		

Jurisdiction / New York / Yonkers

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell, offer for sale or distribute in the City any flavored e-liquid or e-cigarette containing flavored e-liquid. No other provision of law authorizing the sale of tobacco products shall authorize the sale of flavored e-liquid." YONKERS, N.Y. ORD. 8-2019 § 31-157.	**Yes.** "Characterizing flavor" is defined as "[a] distinguishable taste or aroma, including but not limited to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, menthol, alcoholic beverage, herb or spice flavoring, but shall not include tobacco." Yonkers, N.Y. Ord. 8-2019 § 31-152.	**No.** Prohibition includes "any flavored e-liquid or e-cigarette containing flavored e-liquid." YONKERS, N.Y. ORD. 8-2019 § 31-157.	**Yes.**	**Yes.** In November 2019 the County court appellate division issued a stay of the ordinance after it was challenged by Vape Cave YO and the New York State Vapor Association Inc. The lawsuit was dismissed and the stay was lifted in November 2020 after the petitioner went out of business.

Jurisdiction / Ohio / Columbus

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "(A) No person shall give, sell, or otherwise distribute Flavored Tobacco Products in the City of Columbus. (B) Division (A) does not apply to the retail sale of Flavored Shisha Tobacco Products." COLUMBUS, OHIO CODE § 715.05(A) (2022).	**Yes.** "'Flavored Tobacco Product' means any Tobacco Product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer … including, but not limited to, any taste or smell relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice." COLUMBUS, OHIO CODE § 715.01(C) (2022).	**No.** The prohibition does not apply to "flavored Shisha Tobacco Products." COLUMBUS, OHIO CODE § 715.05(B) (2022).	**Yes.**	Retroactive state preemption and pending litigation. The Ohio legislature overrode a gubernatorial veto to pass a law preempting local regulation of tobacco products, effective April 24, 2024, which would apply retroactively to the Columbus ordinance. The City of Columbus and other Ohio municipalities sued the state, claiming this wide preemption bill is a violation of their constitutional home rule authority. On May 17, 2024, the

Jurisdiction / Ohio / Columbus / *continued*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
				County Court agreed and found the preemption law unconstitutional. The state appealed the decision to the Tenth District Court of Appeals, which affirmed the lower court on July 8, 2025. The state may appeal the decision to the Ohio Supreme Court. The petitioning cities' ordinances will continue to be in effect pending litigation. *City of Columbus v. State of Ohio*, No. 24CV002865 (Ohio C.P. 2024)

Jurisdiction / Ohio / Toledo

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "'Characterizing Flavor' includes tastes or aromas relating to food or drink of any sort, menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverages, herbs, or spices." TMC § 537.28(a)(1) (2019).	**Yes.** "'Characterizing Flavor' includes ... menthol, mint, wintergreen. ..." TMC § 537.28(a)(1) (2019).	**No.** Prohibition only applies to vapor products and electronic smoking devices. TMC § 537.28 (2019).	**No.** "Only Retail Vapor Product Specialty Businesses may engage in the sale of Flavored Vapor Products or Flavored Electronic Smoking Devices. Pre-Filled Flavored Vapor Cartridges shall not be sold in the City." TMC § 537.28(b) (2019).	**No.**

Jurisdiction / Oregon / Multnomah County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It is a violation of this subchapter for a Tobacco Retailer to make available any Flavored Tobacco Product to any person." MULTNOMAH COUNTY, OR., ORDINANCE 1,311 (Dec. 15, 2022).	**Yes.** A "Flavored Tobacco Product" means a "[t]obacco product with a distinguishable or distinctive natural or artificial taste, flavor, smell or aroma, other than tobacco … [including] mint, menthol, wintergreen …." MULTNOMAH COUNTY, OR., ORDINANCE 1,311 (Dec. 15, 2022).	**Yes.** "Tobacco Products" include "[a]ny substance containing, made, or derived from tobacco or nicotine, natural or synthetic, that is intended for human consumption by any means including … [e]lectronic cigarettes … [and] e-liquid …." MULTNOMAH COUNTY, OR., ORDINANCE 1,311 (Dec. 15, 2022).	**Yes.**	**Yes.** Implementation of the ordinance is stayed. Litigation is pending. In 2023, the Court of Appeals of Oregon temporarily stayed the ordinance which was due to become effective on Jan. 1, 2024. In Feb. 2024, the stay was extended while the case remains pending. In April 2025, the Court of Appeals rejected the preemption arguments against the county flavor ordinance and remanded the

Jurisdiction / Oregon / Multnomah County / *continued*

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
				case to trial court for entry of judgment declaring the rights of the parties. (Presumably, the ordinance will go into effect after that trial court judgment). 21 *Tobacco and Vapor Retail Association of Oregon LLC v. Multnomah County* (2025); Court Issues Opinion on Flavored Tobacco Sales Ban

Jurisdiction / Oregon / Washington County

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell, offer for sale, or otherwise distribute any flavored tobacco product or flavored synthetic nicotine product." WASHINGTON COUNTY, OR., ORDINANCE 878, § 2.30(B) (Nov. 5, 2021).	**Yes.** A "flavored product" means "[a]ny synthetic nicotine product or tobacco product that contains a taste or smell, other than the taste or smell of tobacco … including … menthol, mint, wintergreen …." WASHINGTON COUNTY, OR., ORDINANCE 878, § 2.20(B) (Nov. 5, 2021).	**Yes.** A "tobacco product" includes "[a]ny product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed … [and a]ny inhalant delivery device …." WASHINGTON COUNTY, OR., ORDINANCE 878, § 2.20(F) (Nov. 5, 2021).	**Yes.**	**Yes.** Several retailers challenged this law, filing their complaint on April 29, 2022. The trial court enjoined enforcement, but the appellate court reversed, and on May 7, 2026, the Oregon Supreme Court affirmed the appellate court's decision. Schwartz v. Washington County, No. SC S071235 (Or. 2026).

Jurisdiction / Pennsylvania / Philadelphia

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "Except at an adults-only establishment, no person shall sell or offer for sale, or possess with the intent to sell or offer for sale, any Electronic Smoking Device with a Characterizing Flavor, defined as a taste or aroma, other than the taste of tobacco." PHILADELPHIA, PA. CODE § 9-638(2) (2019). Made it unlawful for "any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any Flavored Cigar or Flavored Roll-Your-Own Tobacco." PHILADELPHIA, PA. CODE § 9-639(2) (2019).	**Yes.** Characterizing flavor includes "menthol, mint, wintergreen." PHILADELPHIA, PA. CODE § 9-638(2) (2019). Broad "characterizing flavor did not include any menthol exception, though menthol was not explicitly mentioned as an example of prohibited flavors. PHILADELPHIA, PA. CODE § 9-639(1) (2019).	**No.** Ordinance 9-638 only covers flavored electronic smoking devices. PHILADELPHIA, PA. CODE § 9-638(2) (2019). Ordinance 9-639 only covers flavored cigars, or flavored roll-your-own tobacco. PHILADELPHIA, PA. CODE § 9-639(2) (2019).	**No.** Exception for "Adults-Only Establishments" for electronic smoking devices. PHILADELPHIA, PA. CODE § 9-638(2) (2019). For cigars and roll-your-own tobacco, exception for "Tobacco Products Distribution Business," defined as "An establishment that prohibits minors from entering; provides neither food nor beverage to customers; and derives ninety percent (90%) or more of gross sales on an annual basis from Tobacco Products and accessories used in the consumption of Tobacco Products, including from sales via the internet which are delivered only upon verification of identity and age." PHILADELPHIA, PA. CODE §§ 9-639(1) & (3) (2019).	**Yes.** On March 8, 2022, the district court permanently enjoined ordinance 9-639 after the parties entered into a joint stipulation of settlement agreement that Ordinance "is preempted by the current version of 53 Pa. C.S. § 301." *Cigar Assn. of America v. City of Philadelphia*, No. 2:20-cv-03220 (E.D. PA, Nov. 13, 2020). The joint stipulation did not affect ordinance 9-638.

Jurisdiction / Rhode Island

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "The sale, or offer for sale of, or the possession with intent to sell or to offer for sale, flavored electronic nicotine-delivery system products to consumers within the state of Rhode Island is hereby prohibited." R.I. GEN. LAWS § 44-20-61(b) (2025).	**No.** "Characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco or menthol, distinguishable by an ordinary consumer, imparted either prior to, or during, consumption of an electronic nicotine-delivery system product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, mint, wintergreen, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice or which impart a cooling or numbing sensation ..." R.I. GEN. LAWS § 44-20-61(a) (2025).	**No.** Only "flavored electronic-nicotine delivery system products." R.I. GEN. LAWS § 44-20-61(b) (2025).	**Yes.** It covers all tobacco retailers and only explicitly exempts "compassion centers and licensed cultivators registered with the state of Rhode Island department of business regulation-office of cannabis regulation" as long as the products do not "contain, are made of, or are derived from tobacco or nicotine, natural or synthetic." R.I. GEN. LAWS § 44-20-61(b) (2025).	**Yes.** In November 2024, the tobacco defendants filed a complaint alleging the law is vague, overbroad, irrational and does not serve a valid governmental purpose and that it constitutes a regulatory taking and violates equal protection. The state filed a motion to dismiss for failure to state a claim. The case was dismissed without prejudice in February 2025 by stipulation of all parties. *Vaporetti LLC et al. v. Rhode Island Department of Revenue et al.*, No. 1:24-cv-00497-MSM-LDA (D. R.I. November 26, 2024).

Jurisdiction / Rhode Island / Providence

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "It shall be unlawful for any person to sell or offer for sale any flavored tobacco product to a consumer, except in a smoking bar." PROVIDENCE, R.I., CODE § 14-309 (2019).	**No.** "Characterizing flavor means a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted either prior to or during consumption of a tobacco product …" PROVIDENCE, R.I., CODE § 14-308 (2019). "Flavored tobacco product means any tobacco product or any component part thereof that contains a constituent that imparts a characterizing flavor." PROVIDENCE, R.I., CODE § 14-308 (2019).	**No.** (Note that conventional cigarettes are not included.) "Tobacco product means any product containing tobacco or nicotine, including, but not limited to, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, and electronic cigarette cartridges; provided, however, that such term shall not include: (1) Cigarettes, including those cigarettes subject to the special rule for cigarettes relating to characterizing flavors of the Federal Family Smoking and Tobacco Prevention Act …" PROVIDENCE, R.I., CODE § 14-308 (2019).	**No.** "It shall be unlawful for any person to sell or offer for sale any flavored tobacco product to a consumer, except in a smoking bar." PROVIDENCE, R.I., CODE § 14-309 (2019).	**Yes.** In regards to flavoring, the ordinance survived First Amendment and preemption challenges. *See Nat'l Ass'n of Tobacco Outlets, Inc. v. City of Providence*, No. CA 12-96-ML, 2012 WL 6128707, at *13 (D.R.I. 2012), *aff'd. Nat'l Ass'n of Tobacco Outlets, Inc. v. City of Providence*, R.I., 731 F.3d 71 (1st Cir. 2013).

Jurisdiction / Utah

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. " ... beginning on January 1, 2025, it is unlawful for a person to give, distribute, sell, offer for sale, or furnish to any person a flavored electronic cigarette product ..." UTAH CODE § 76-10-113(2) (2024).	**No.** No. "Flavored electronic cigarette product' does not include an electronic cigarette product that has a taste or smell of only tobacco or menthol." UTAH CODE § 76-10-101(7)(c) (2024).	**No.** Only covers "electronic cigarette products" which means "an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette." UTAH CODE § 76-10-101(5) (2020).	**Yes.** As of January 1, 2025, it will be unlawful for "a person to give, distribute, sell, offer for sale, or furnish to any person a flavored electronic cigarette product." There are no exceptions.	**Yes.** In December 2024, tobacco defendants challenged SB 61 in state court on a number of grounds, including a federal preemption challenge against the flavor ban portions. In early 2025, the court denied the plaintiffs' motion for a preliminary injunction against enforcement of the flavor ban, allowing that ban to go into effect as the case continues.

Jurisdiction / Washington, D.C.

Flavor prohibited?	Menthol prohibited?	All tobacco products?	Covers all retailers?	Case law
Yes. "No person shall sell, offer for sale, receive for sale, distribute, purchase, or facilitate the sale of [a] flavored tobacco product …." D.C. CODE § 7–1721.08(a) (2023).	**Yes.** "'Characterizing flavor' means a distinguishable taste or aroma other than tobacco, including … menthol, mint, or wintergreen." D.C. CODE § 7–1721.01(1) (2023).	**No.** The prohibition does not apply to "the sale for on-site consumption of flavored tobacco products intended to be used with a hookah …." D.C. CODE § 7–1721.08(e)(1) (2023).	**No.** "Notwithstanding the provisions of this section, the sale for on-site consumption of flavored tobacco products intended to be used with a hookah shall be permitted for any hookah bar doing business in the District as of September 30, 2021." D.C. CODE § 7–1721.08(e)(1) (2023).	**No.**

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Endnotes

1 Note that in California, the county ordinances apply only in the unincorporated parts of the county.