



Flavored E-Cigarette Bans

Federal Partial Ban on Flavored E-Cigarettes

In 2016, the federal Food and Drug Administration (FDA) extended its regulatory authority under the federal Family Smoking and Tobacco Control Act to include the manufacturing, sale, and use of e-cigarettes ([81 C.F.R. § 28973](#)).

In February 2020, the FDA implemented a partial ban on the sale of flavored e-cigarettes, which are believed to primarily appeal to minors. The ban applies to cartridge-based e-cigarettes, other than menthol and tobacco flavors (e.g., fruit, mint, and dessert flavors) ([FDA-2019-D-0661](#)). According to the FDA's [2020 National Youth Tobacco Survey](#), these cartridge-based products are the typical brand used by the majority of the nation's 3.6 million e-cigarette users in middle and high school. They generally contain a higher percentage of nicotine than other systems and are sold online and at convenience stores and gas stations.

The FDA ban does not apply to open-tank vaping systems, which are generally sold in age-restricted establishments and used by adults. Additionally, the ban does not prohibit states from enacting stricter regulations on flavored e-cigarette products.

What are E-Cigarettes?

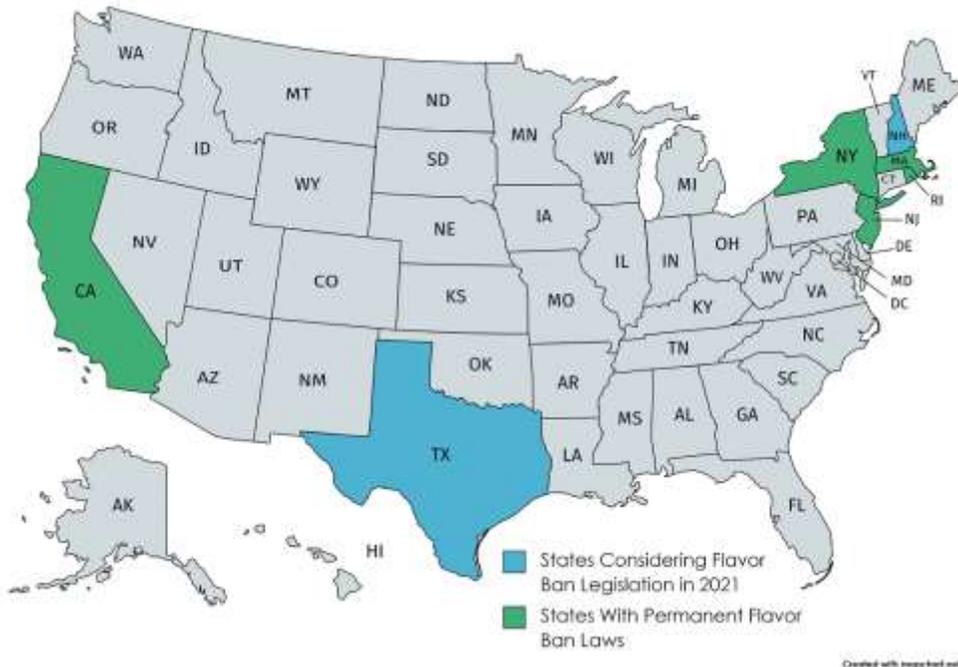
Connecticut law defines an “electronic nicotine delivery system” as an electronic device used to deliver nicotine or another substance to a person who inhales from it. It includes electronic cigarettes, cigars, cigarillos, pipes, and hookahs. It also includes related devices, cartridges, or other components, including e-cigarette liquid.

The law defines a “vapor product” as a product that uses a heating element; power source; electronic circuit; or other electronic, chemical, or mechanical means, regardless of shape or size, to produce a vapor that users inhale. The vapor may or may not include nicotine ([CGS § 21a-415](#), as amended by PA 19-13, § 9).

What is the Legal Age to Purchase E-Cigarettes?

In December 2019, the President signed legislation to amend the federal Food, Drug, and Cosmetic Act to raise, from 18 to 21, the federal minimum age to purchase tobacco products and e-cigarettes ([P.L. 116-94](#), Div. N, title I, § 604).

Prior to the enactment of the federal law, the following 19 states (including Connecticut) had already raised the minimum age for the sale of all tobacco products and e-cigarettes from age 18 to 21: Arkansas, California, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia, and Washington. For more information on Connecticut's law, see [PA 19-13](#).



State Bans on Flavored E-Cigarettes

According to the National Conference of State Legislatures (NCSL), five states have implemented laws banning flavored e-cigarettes: California, Massachusetts, New Jersey, New York, and Rhode Island. New Hampshire and Texas are considering such legislation in the 2021 session.

California

In August 2020, the governor signed into law [SB 793](#), which prohibits the sale of flavored tobacco products, including e-cigarettes and vapor products (with limited exceptions, such as premium cigars). However, the law has been suspended until a November 2022 voter referendum.

Massachusetts

In 2019, Massachusetts became the first state to enact a permanent ban on all flavored tobacco products. The ban took effect on June 1, 2020, and limits the sale of flavored tobacco products to licensed smoking bars, where they may only be smoked on-site ([2019 Session Laws, Ch. 133](#) and [105 CMR 665.000](#)).

New Jersey

In January 2020, New Jersey enacted a similar ban that applies to all flavored e-cigarettes but excludes tobacco cigarettes and other tobacco products ([2019 S 3265](#)). The law took effect on April 20, 2020.

New York

In 2020, New York enacted a ban on flavored nicotine vapor products as part of its 2020-2021 budget bill ([S 7506B](#)). It took effect in May 2020 and does not include flavorless and tobacco flavored nicotine vapor products.

Rhode Island

In March 2020, the Department of Health implemented regulations banning the sale of flavored vapor products, except those that are nicotine-flavored ([216-RICR-50-15-6](#)).

Learn
More

[2019-R-0096](#), *State E-Cigarette Taxes*

[2019-R-0280](#), *E-Cigarettes and Minors*

[2019-R-0279](#), *Connecticut's E-Cigarette Laws*

[2020-R-0057](#), *Flavored E-Cigarette Bans*

