

California's flavored tobacco ban won't be blocked by supreme court

December 13 2022, by Cara Murez



An attempt to block California's flavored tobacco ban was stopped

Monday when the Supreme Court [declined](#) to hear the case.

That now means the ban will go into effect on Dec. 21.

The ban includes everything from candy flavors to menthol in a wide range of tobacco products including vape pens, tank-based systems, chewing tobacco and cigarettes. Exceptions include hookahs, some cigars and loose-leaf tobacco, *CBS News* reported.

The ban has been in limbo for two years. It was first passed by the [state legislature](#) in 2020, then sent to the voters when tobacco companies gathered the signatures required for a vote to challenge the ban.

But nearly two-thirds of voters [approved](#) the ban in November. The next day, R.J. Reynolds filed a [lawsuit](#) challenging the ban.

Tobacco companies have argued that banning flavored products is the role of the U.S. Food and Drug Administration. Losing the menthol flavor would cause a huge loss in business for [tobacco companies](#) because menthol cigarettes represent about one-third of the market in the large state, *CBS News* reported.

Meanwhile, California has said that federal law allows state and [local governments](#) to choose what [tobacco products](#) are allowed within their boundaries, *CBS News* reported.

California follows Massachusetts in its flavored tobacco ban. Several states have outlawed flavored vaping products.

Even some cities have bans, including Los Angeles and San Diego, which also met with resistance.

In April, the FDA proposed a [ban](#) on the sale of [menthol cigarettes](#).

Ban supporters want to stop sharp increases in teen smoking and vaping. Although it's illegal for retailers to sell tobacco to anyone under 21, the products are still easy to obtain, supporters have said. Retailers who sell to minors could be fined up to \$250 under the new ban, *CBS News* reported.

More information: The American Lung Association has more on [flavored tobacco products and youth vaping](#).

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