

New York and Michigan Ban Flavored E-Cigarette and Vape Products

This week both Michigan and New York banned the sale and distribution of flavored electronic nicotine delivery systems (ENDS) products which are often referred to as e-cigarettes or vape products. Both bans were championed by the state governors as a way to keep these products out of the hands of minors. Because the bans are a result of the adoption of emergency rules, the bans are effective immediately. However, both states have indicated they will have a limited period of enforcement discretion to allow impacted industry members to come in to compliance with the new requirements. Below is a brief summary of state flavored ENDS product bans.

For questions and assistance with compliance, please contact [Anna Wiand](#) at GrayRobinson.

	Michigan	New York
Effective Date	September 18, 2019	September 17, 2019
Enforcement Date	14 days from the effective date	Governor reports there will be a two week “grace period”
Covered Products	Flavored nicotine vapor products (includes menthol products)	Flavored e-liquid (does not include menthol)
Prohibits	Selling flavored nicotine products	Possession of flavored nicotine products by retailers and distributors
Text of the Rule	Public Health Administration Protection of Youth from Nicotine Product Addiction Emergency Rules	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors