



New Orleans Smoke-Free Ordinance

What You Need to Know

Last Updated | April 13, 2015

New Orleans has joined almost 700 cities nationwide in going smoke-free. The City's new smoke-free ordinance goes into effect on April 22, 2015. In addition to smoking restrictions that already exist under state law, there will be new restrictions on smoking and vaping (use of electronic smoking devices) in many locations across the city.

Why Is this Ordinance Important?

This ordinance protects the public's health by reducing exposure to secondhand smoke and encouraging smokers to quit. Tobacco use is the leading preventable cause of death in the United States. It causes cancer, heart disease, stroke, lung diseases (such as emphysema), and diabetes. More than 20 million people in the United States have died from smoking-related diseases since 1964, including 2.5 million nonsmokers as a result of exposure to secondhand smoke.

Where Is Smoking and Vaping Prohibited Indoors?

- Bars
- Restaurants
- Casinos and other gambling facilities
- Hotels and motels
- Workplaces
- Schools (preschool to post-secondary)
- Private clubs
- Common areas of multi-unit housing, including apartment complexes and condos
- Buildings and vehicles owned, leased, occupied, or operated by the City or State
- Prisons and other correctional facilities
- Most other public places (enclosed by two or more walls/barriers)
 - Examples: hospitals, health clinics, nursing homes and other long-term care facilities, museums, galleries, public buses and street cars, retail stores, retail service businesses, sports arenas, and theaters

Where Is Smoking and Vaping Prohibited Outdoors?

- Workplaces, such as construction sites
- In and within 5 feet of Richard and Annette Bloch Cancer Survivors Plaza on Loyola Avenue
- In and within 5 feet of Lafayette Square
- Sports arenas, stadiums, amphitheaters, and recreational areas with playground equipment
 - Prohibition does not apply when these venues are used for concerts, fairs, farmers markets, festivals, and parades
- In bleachers and grandstands for use by spectators at sporting events
- State law prohibits smoking within 25 feet of public entrances and wheelchair ramps of office buildings owned by the State and within 200 feet of entrances, exits, and outdoor areas of elementary and secondary schools.

Where Is Smoking and Vaping Allowed?

- Private homes and vehicles
- Outdoor seating, serving areas, balconies, and courtyards of bars, restaurants, casinos, facilities that operate slot machines, pari-mutuel wagering facilities, and off-track wagering facilities, such as the Fair Grounds.
- All other outdoor locations, unless listed on page 3 above
- Private and semi-private rooms in nursing homes, assisted living facilities, and other long-term care facilities, when requested by all occupants in writing
- Tobacco businesses and electronic smoking device businesses (vape shops)
- Cigar bars, as defined in the ordinance, legally operating on or before December 31, 2014 or with a pending application to operate as of March 6, 2015 that is ultimately approved by City Council. However, smoking is limited to cigars.
- Hookah bars, as defined in the ordinance, legally operating on or before December 31, 2014. However, smoking is limited to hookahs.
- Convention facilities during Mardi Gras Balls
- Locations specific to the tobacco industry
 - Workplaces of manufacturers, importers, wholesalers, and distributors of tobacco products, tobacco leaf dealers and processors, and tobacco storage facilities
 - Convention facilities when used for professional meetings and trade shows not open to the public produced or organized by tobacco or electronic smoking device businesses or convenience store associations where tobacco products are displayed
 - Indoor and outdoor locations of hotels and motels when used for private functions related to professional meetings and trade shows not open to the public produced or organized by tobacco or electronic smoking device businesses

As a Business Owner or Employer, How Do I Comply with the Ordinance?

- Post no smoking signs. Please see page 8 of this toolkit for guidance on required signage.
- Remove ashtrays.
- Ask individuals smoking or vaping on the premises in violation of the ordinance to stop.
- If an individual does not stop, refuse service and ask the individual to leave the premises.

As a Patron or Employee, How Do I Comply with the Ordinance?

- Do not smoke or vape in any area where smoking or vaping is prohibited.

How Do I Report Noncompliance?

- The Health Department developed and held a public hearing on regulations to establish the process for reporting noncompliance. The regulations were approved by the City Council on April 9, 2015.
- Starting April 22, 2015, noncompliance may be reported to the Health Department by completing a Smoke-Free Ordinance Complaint Form. Individuals will be able to obtain the form by visiting nola.gov/smokefree or by calling 311 (or the toll free number for 311: (877) 286-6431). 311 operators will be available to receive calls Monday–Friday, 8am–5pm, and complainants will have the option to leave a message at night and on weekends.
- The Health Department will follow-up with individuals who make complaints and businesses that receive complaints during business hours. Within 5 business days of receiving a complaint form, the Health Department will notify the person who made the complaint and the business where the violation occurred that a complaint has been received. If the Health Department receives a second complaint form about a business, Health Department staff will conduct a site visit to investigate, provide educational materials, and encourage compliance.
- Individuals may also submit anonymous complaints by visiting nola.gov/smokefree or by calling 311 or (877) 286-6431.
- The Health Department is developing a second set of regulations that will govern enforcement. Once these regulations are fully developed, the Health Department will hold a second public hearing to receive public comment on the enforcement process. Notice of the public hearing will be published in the Times-Picayune, and a copy of the proposed regulations will be posted at nola.gov/smokefree.

What Are the Possible Penalties for Noncompliance?

- Business Owners/Managers/Employers:
 - Up to \$100 for the first violation
 - Up to \$200 for the second violation in a 12 month period
 - Up to \$500 for the third and subsequent violations in a 12 month period
 - Each day a violation occurs or continues is a separate offense.
 - Violation may also result in suspension or revocation of any permit or license issued for the premises on which the violation occurred.
- Individuals: Up to \$50 for each violation or community service

New Orleans Health Department

Dial: 311 or (877) 286-6431 | Email: smokefree@nola.gov
nola.gov/smokefree

The Health Department will update this fact sheet as new information becomes available.