



NEW ORLEANS
SMOKE-FREE ORDINANCE



Smoke-Free Ordinance Business Toolkit

Last Updated: January 20, 2022

Glossary

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Information for Businesses:

Background

The City's smoke-free ordinance went into effect in **April of 2015**. In addition to smoking restrictions that already exist under state law, this ordinance brought new restrictions on smoking and vaping (use of electronic smoking devices) in many locations across the city.

This ordinance was passed to protect your health and the health of customers. 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 due to exposure to secondhand smoke.

Requirements

Under the ordinance, smoking and vaping is prohibited within most indoor businesses. If your business meets one of the prohibited categories listed in the chart on page 3, you are required by law to:

- Remove all ashtrays;
- Post no smoking/vaping signs; and,
- Direct individuals who are smoking or vaping in violation of the ordinance to stop or leave.

What should I do if a customer is smoking or vaping in violation of the ordinance?

Most smokers want to follow the rules and want to know when smoking is allowed or prohibited. You can communicate the law to customers who may not know about the ordinance. Using gentle, positive, and clear messages will help avoid bad feelings.

Examples:



- "The City ordinance does not allow smoking or vaping in here. I'm sorry, but you will have to step outside to smoke or vape."
- "The smoke-free ordinance prohibits smoking in here. Thank you for your cooperation."
- "We are under a smoke-free ordinance that prohibits smoking in here. I need to ask you to put out your cigarette."




























Tips:

- Speak respectfully.
- Direct the smoker to the nearest place he or she can smoke.
- If the smoker refuses to comply, let the manager on duty handle it. If necessary, use your normal protocol for removing a disruptive customer from your premises.



Overview of Where Smoking Is Prohibited

 = Smoking and Vaping Prohibited  = Smoking and Vaping Allowed

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), including: hospitals, nursing homes, public buses and street cars, retail stores, and retail service businesses	
Private homes and vehicles	
Private and semi-private rooms in nursing homes and other long-term care facilities, when requested by all occupants in writing	
Tobacco businesses	
Electronic smoking device businesses (vape shops)	
Cigar bars legally operating on or before 12/31/14 or with a pending application to operate as of 3/6/15 that is ultimately approved by City Council. However, smoking is limited to cigars.	
Hookah bars legally operating on or before 12/31/14. However, smoking is limited to hookahs.	
Convention facilities during Mardi Gras Balls	
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, except during concerts, fairs, farmers markets, festivals, and parades	
In bleachers and grandstands for use by spectators at sporting events	
State law: Smoking prohibited within 25 feet of public entrances and wheelchair ramps of office buildings owned by the State	
State law: Smoking prohibited within 200 feet of entrances, exits, and outdoor areas of elementary and secondary schools	
Designated smoking and vaping sections of 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	



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Frequently Asked Questions:

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. Cigarettes are responsible for more than 480,000 deaths per year in the U.S. That number includes more than 41,000 deaths caused by secondhand smoke exposure. This is about one in five deaths annually. In other words, 1,300 deaths every day.

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 4.
- 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. 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 9 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 established a process for reporting noncompliance.
- 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 24 hours a day, 7 days a week.
- 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.

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.



Resources to Quit Smoking

- The **Louisiana Tobacco Quitline** provides free and confidential counseling by Certified Quit Coaches to Louisiana residents ages 13+ who are ready to quit smoking. Counseling is available 24 hours a day, 365 days a year in English, Spanish, and 150 other languages. For more information call 1-800-QUIT-NOW or visit quitwithusla.org/.
- The **Smoking Cessation Trust** offers free medications, group and individual counseling, and quitline coaching to Louisiana residents who started smoking cigarettes before September 1, 1988 and desire to quit. For more information call 1-855-259-6346 or visit www.smokingcessationtrust.org/.
- The **Ochsner Smoking Cessation Clinic** offers free counseling and medications through the Smoking Cessation Trust. Clinics are located in New Orleans at their Jefferson Highway location, Kenner, the West Bank, Baton Rouge, New Orleans East, Hammond, the Northshore, in both Slidell and Covington and Raceland in the Bayou region. For more information call 1-866-624-7637 or visit www.ochsner.org/services/smoking-cessation-clinic.
- The **LSU Tobacco Control Initiative** offers free or low-cost services to all Louisiana public hospital patients, employees, and surrounding communities, including individual and group counseling and cessation medication. For more information call (504) 568-5700 or visit sph.lsuhs.edu/service/latci.
- The **American Lung Association's** website provides information and support to help smokers quit. For more information visit <https://www.lung.org/quit-smoking>.





Implementation Checklist

- Learn about the ordinance and how it affects your business.** Read this toolkit and visit nola.gov/smokefree for updates.
- Plan how the ordinance effects your business.** Understand what the ordinance requires and ensure those provisions are implemented. The ordinance allows business owners to prohibit smoking in additional areas not regulated by the ordinance, such as outdoor seating areas of restaurants and bars. Decide if smoking will be prohibited in these areas in your business.
- Discuss the ordinance with your employees.** Explain how the ordinance affects your business using routine methods, such as staff meetings, payroll stuffers, break room posters, or emails. If you have employees who smoke, explain where and when they may smoke during work hours. If you have employees who are open to quitting, provide them with the list of the resources to quit smoking found on page 7 of this toolkit or let them know that there are resources available at nola.gov/smokefree.
- Train your employees to implement the ordinance.** Train staff on the requirements and the protocol for handling customers who are not following the ordinance. Help them prepare what to say to customers who smoke. Please see page 2 of this document for tips.
- Print required signs and educational materials.** Please see page 9 of this toolkit for information on required signage. Please visit nola.gov/smokefree to view and print additional educational materials as they become available.
- Post the required no smoking or vaping signs.** Hang signs in plain view at entrances to your business and at the entrance of all restrooms.
- Direct individuals smoking or vaping in a prohibited area to follow the ordinance.** Ask individuals who are smoking or vaping in violation of the ordinance to stop or step outside. If the individual continues to smoke or vape in violation of the ordinance, refuse service and ask the individual to leave.
- Keep information and resources on hand.** Keep this toolkit and other resources available for easy reference. Visit nola.gov/smokefree for updates on the ordinance.
- Provide continual support for employees.** Train new employees on the ordinance. Remind employees about the availability of resources to quit smoking.

The Health Department is available to assist you in this process and answer any questions.

Phone: 311 or (877) 286-6431 Email: smokefree@nola.gov



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Requirements for no smoking or vaping signs:

The regulations require that signs contain all of the following elements:

- The words “No Smoking or Vaping”,
- The international “no smoking” and “no vaping” symbols,
- A reference to the relevant provisions of City Code: “New Orleans City Code Chapter 66, Article II”,
- A reference to the City’s Smoke-Free Website: nola.gov/smokefree.
- A reference to the City’s 311 Service,
- The logo for the City of New Orleans, and
- The logo for the New Orleans Health Department.

The regulations further require that signs be made of durable vinyl, plastic, or metal and be no smaller than 8.5 inches by 11 inches. Signs must be posted in plain view at entrances to your business and at the entrance to all restrooms. A window cling is permitted in lieu of a vinyl, plastic, or metal sign so long as it is no smaller than 4 inches by 6 inches and meets all of the other requirements.

A model sign that can be professionally printed is available at nola.gov/smokefree.

You may print and use the temporary sign included at the end of this toolkit. Please hang the sign in plain view at entrances to your business and at the entrance to all restrooms.



CITY OF NEW ORLEANS

New Orleans Health Department

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

A digital version of this toolkit is available at nola.gov/smokefree.



NO SMOKING OR VAPING



New Orleans City Code Chapter 66, Article II



CITY OF NEW ORLEANS



**If you see someone smoking, please notify the manager.
To report violations, visit nola.gov/smokefree or call 311.**