

**New Orleans Health Department
Proposed Regulations Governing Implementation of the
Smoke Free Air Act Ordinance with Respect to Education, Signage, and Complaints**

I. Authority. Pursuant to Section 4-107(3) of the Home Rule Charter of the City of New Orleans and Sections 2-1000, 66-37, and 66-74(a) of the City Code, the Department of Health of the City of New Orleans proposes the following regulations relative to the implementation of Article II of Chapter 66 of the City Code, entitled the Smoke Free Air Act, including but not limited to regulations on education, required signage, and the process for filing and responding to complaints.

II. Applicability. These regulations shall apply to all individuals, business establishments, and other locations regulated by Article II of Chapter 66 of the City Code.

III. Public Education. Pursuant to Section 66-41 of the City Code, the Department of Health is directed to educate the public about the purpose and provisions of the City's Smoke Free Air Act Ordinance. The Department will provide assistance to individuals and businesses that seek to comply with the ordinance and to individuals who want to stop smoking. This assistance will be provided in the form of public information sessions, toolkits, and other educational resources. Resources will be available at www.nola.gov/smokefree.

IV. Requirements.

(1) Pursuant to Section 66-74 of the City Code, the owner, manager, operator, or employer of an area where smoking or vaping is prohibited is required to: (a) post signs alerting the public that smoking and/or vaping is prohibited, and (b) remove all ashtrays from

any area where smoking is prohibited. All signs must meet the requirements outlined in Section V of these regulations.

- (2) Pursuant to Section 66-38(d) of the City Code, the owner, manager, operator, or employer of an area where smoking or vaping is prohibited is further required to direct any person who is smoking or vaping in an area where smoking or vaping is prohibited to extinguish or turn off the product. If the person does not stop such use, the owner, manager, operator, or employer is directed, if applicable, to refuse service and to immediately ask the person to leave the premises.
- (3) Pursuant to Section 66-40(b) of the City Code, individuals are prohibited from smoking or vaping in any area where smoking or vaping is prohibited.

V. No Smoking/Vaping Signs.

- (1) All signs required by Section 66-74(a) of the City Code shall contain the following elements:
 - (a) The words “No Smoking or Vaping”,
 - (b) The international “no smoking” and “no vaping” symbols,
 - (c) A reference to the relevant provisions of City Code as follows: “New Orleans City Code Chapter 66, Article II”,
 - (d) A reference to the City’s Smoke-Free Website as follows:
“www.nola.gov/smokefree”,
 - (e) A reference to the City’s 311 Service,
 - (f) The logo for the City of New Orleans, and

- (g) The logo for the New Orleans Health Department.
- (2) In *enclosed areas*, identified in Section 66-71 of the City Code, signs shall: (a) be made of durable vinyl, plastic, or metal, (b) be no smaller than 8.5 inches by 11 inches, and (c) be posted in plain view at the front entrance of such enclosed areas and at the entrance to all restrooms. A window cling may be used 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 other requirements.
- (3) In *unenclosed areas*, identified in Section 66-72 of the City Code, signs shall: (a) be made of durable vinyl, plastic, or metal, (b) be no smaller than 8.5 inches by 11 inches, and (c) be posted in plain view of the unenclosed area. However, no signage shall be required in areas listed in Sections 66-72(1) and 66-72(2) of the City Code.
- (4) Model signage for public use will be posted at www.nola.gov/smokefree.

VI. Complaints – Public Education Phase.

- (1) Starting April 22, 2015, noncompliance with the ordinance may be reported to the Health Department by completing and submitting a Smoke-Free Ordinance Complaint Form. The complaint form will be posted at www.nola.gov/smokefree. Individuals may also obtain the complaint form by calling 311 or (877) 286-6431.
- (2) Within 5 business days of receiving a completed complaint form, Health Department staff shall (a) notify the complainant by phone or email that the complaint has been received, and (b) notify the business where the violation is alleged to have occurred by mail that a complaint has been received.

- (3) Following receipt of a second completed complaint form for a business, Health Department staff shall also conduct a site visit at the business where the violation is alleged to have occurred to investigate the complaint. During the site visit, Health Department staff shall provide educational materials and encourage compliance.
- (4) Complainants are encouraged to submit time and date stamped photographs documenting alleged violations with the completed complaint form.
- (5) Complainants may also submit anonymous complaints by calling 311 or (877) 286-6431 or visiting www.nola.gov/smokefree. Since it is not possible to follow-up with anonymous complainants, based upon the content included, the Health Department may exercise discretion in processing these complaints.

VII. Effective Date. These regulations shall be effective on the later of April 22, 2015 or the 22nd day following adoption by the New Orleans City Council, as required by Sec. 2-1000(g) of the City Code.