NEW ORLEANS
SMOKE-FREE ORDINANCE

new orleans health department

Smoke-Free Ordinance Business Toolkit

Last Updated April 9, 2015

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Message from Director of Health

The City's new smoke-free ordinance goes into effect at 12:01 a.m. on **Wednesday, 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.

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. This ordinance addresses a major threat to public health by reducing exposure to secondhand smoke and encouraging smokers to quit.

As this ordinance was passed in the interest of public health, the New Orleans Health Department is the lead agency for its implementation. We want to work with you to ensure a successful launch of this major public health initiative that will improve the health of our community for years to come.

This toolkit is intended to assist you in understanding and complying with the ordinance, as well as educating your employees and patrons about the ordinance. The toolkit includes an overview of the ordinance and frequently asked questions, an implementation checklist, a model "no smoking or vaping" sign, employee training material, resources to help smokers quit, and more. We hope that this toolkit will be helpful as you transition your business to a smoke-free environment.

The Health Department will update this toolkit as the City moves forward with implementing the ordinance. The City is currently developing rules and regulations that will govern specific aspects of the ordinance's implementation, including the requirements for signage and the process for enforcement. These regulations must be approved by City Council before they take effect. Please visit nola.gov/smokefree for frequent updates on the implementation process.

Going forward, we welcome your input on this public health issue. Contact us by phone at 311 or (877) 286-6431 or by email at smokefree@nola.gov or healthdepartment@nola.gov.

Sincerely,

Charlotte M. Parent, RN, MHCM
Director of Health, City of New Orleans

Overview of Where Smoking Is Prohibited

= Smoking and Vaping Prohibited = Smoking and Vaping Allowed

Indoors	
Bars	= Smoking and Vaping Prohibited
Restaurants	= Smoking and Vaping Prohibited
Casinos and other gambling facilities	= Smoking and Vaping Prohibited
Hotels and motels	= Smoking and Vaping Prohibited
Workplaces	= Smoking and Vaping Prohibited
Schools (preschool to post-secondary)	= Smoking and Vaping Prohibited
Private Clubs	= Smoking and Vaping Prohibited
Common areas of multi-unit housing, including apartment complexes and condos	= Smoking and Vaping Prohibited
Buildings and vehicles owned, leased, occupied, or operated by the City or State	= Smoking and Vaping Prohibited
Prisons and other correctional facilities	= Smoking and Vaping Prohibited
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	= Smoking and Vaping Prohibited
Private homes and vehicles	= Smoking and Vaping Allowed
Private and semi-private rooms in nursing homes and other long-term care facilities, when requested by all occupants in writing	= Smoking and Vaping Allowed
Tobacco businesses	= Smoking and Vaping Allowed
Electronic smoking device businesses (vape shops)	= Smoking and Vaping Allowed
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.*	= Smoking and Vaping Allowed
Hookah bars legally operating on or before 12/31/14. However, smoking is limited to hookahs.*	= Smoking and Vaping Allowed
Convention facilities during Mardi Gras Balls	= Smoking and Vaping Allowed
Outdoors*	
Workplaces, such as construction sites	= Smoking and Vaping Prohibited
In and within 5 feet of Richard and Annette Bloch Cancer Survivors Plaza on Loyola Avenue	= Smoking and Vaping Prohibited
In and within 5 feet of Lafayette Square	= Smoking and Vaping Prohibited
Sports arenas, stadiums, amphitheaters, and recreational areas with playground equipment, except during concerts, fairs, farmers markets, festivals, and parades	= Smoking and Vaping Prohibited
In bleachers and grandstands for use by spectators at sporting events	= Smoking and Vaping Prohibited
State law: Smoking prohibited within 25 feet of public entrances and wheelchair ramps of office buildings owned by the State	= Smoking and Vaping Prohibited
State law: Smoking prohibited within 200 feet of entrances, exits, and outdoor areas of elementary and secondary schools	= Smoking and Vaping Prohibited
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 Fairgrounds.	= Smoking and Vaping Allowed
All other outdoor locations	= Smoking and Vaping Allowed

*These provisions reflect changes to the Smoke Free Air Act Ordinance that were made by ordinances passed by City Council on April 9, 2015. These ordinances are awaiting Mayor Landrieu's signature.

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. 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.

* These provisions reflect changes to the Smoke Free Air Act Ordinance that were made by ordinances passed by City Council on April 9, 2015. These ordinances are awaiting Mayor Landrieu's signature.

Frequently Asked Questions

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 Fairgrounds.
- All other outdoor locations, unless listed 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.

* These provisions reflect changes to the Smoke Free Air Act Ordinance that were made by ordinances passed by City Council on April 9, 2015. These ordinances are awaiting Mayor Landrieu's signature.

How Do I Report Noncompliance?

- Starting April 22, noncompliance may be reported by calling 311 or visiting nola.gov/smokefree. 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 complainants and businesses that receive complaints during business hours.
- The Health Department is currently developing specific regulations for the implementation of the ordinance, including the process for responding to complaints and enforcing violations. The Health Department held a public hearing to receive public comment on proposed regulations governing education, required signage, and the complaint process on April 6, 2015. A public hearing on proposed regulations governing enforcement will be announced in the coming weeks and posted on 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 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 on Jefferson Highway in New Orleans, in Slidell, and in Hammond with new sites in Kenner, Westbank, Raceland, and Baton Rouge opening in March. For more information call 504-842-7490 or 1-844-371-5806 or visit www.ochsner.org/stopsmoking.

- 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 504-903-5059 or visit sph.lsuhsc.edu/tci or www.lsuhospitals.org/cmo/hcet/5tob.htm.

- **Krewe de Quit** brings the shared goals and friendship of the Mardi Gras krewe to quitting smoking. By sharing the effort to quit smoking with your friends and family—your Krewe de Quit—you get the support you need to quit. For more information visit www.krewedequit.org/.

- The **American Lung Association's Freedom From Smoking Online** is a program that provides information and support to help smokers quit. For more information visit www.ffsonline.org/.

QUIT WITH US, LA

Implementation Checklist

The City's new smoke-free ordinance goes into effect at 12:01 a.m. 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.

Before April 22, 2015

- ☐ **Learn about the ordinance and how it affects your business**. Read this toolkit, attend public information sessions, provide feedback on regulations the City is developing to implement the ordinance, and visit nola.gov/smokefree for frequent updates.
- ☐ **Plan how the ordinance will be implemented in 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 6 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 new 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 9 of this toolkit for a document to assist you in training your employees.
- ☐ **Print required signs and educational materials**. Please see page 8 of this toolkit for information on required signage. Please visit nola.gov/smokefree to view and print additional educational materials as they become available.

On April 22, 2015

- ☐ **Post the required no smoking or vaping signs.** Hang signs in plain view at the front entrance of your business and at the entrance of all restrooms.
- ☐ **Remove all ashtrays and other smoking receptacles**. All receptacles used to extinguish or dispose of a tobacco product should be removed from areas where smoking is prohibited.
- ☐ **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.

After April 22, 2015

- ☐ **Continue to comply with the ordinance.** Ensure that required signs are posted, ashtrays are removed, and smoking is prohibited in your business.
- ☐ **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

Requirements for No Smoking or Vaping Signs

The Health Department is currently developing regulations to establish the size, style, and location of required signs.

Until these regulations go into effect, please use the temporary sign included at the end of this toolkit. Please print the temporary sign and hang it in plain view at the front entrance of your business and at the entrance of all restrooms.

Once the regulations go into effect, you will be required to replace temporary signs with permanent signs. Please check the website frequently for updates on required signage.

Information for Employees

Background

The City's new smoke-free ordinance goes into effect at 12:01 a.m. on **Wednesday, 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.

This ordinance was passed to protect your health and the health our 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 as a result of exposure to secondhand smoke.

Requirements

Under the new ordinance, smoking and vaping will be prohibited at this establishment. We 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 new ordinance. Using gentle, positive, and clear messages will help avoid bad feelings.

Examples:

- "City ordinance no longer allows smoking or vaping in here. I'm sorry, but you will have to step outside and away from the door to smoke or vape."
- "The new 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.

CITY OF NEW ORLEANS

New Orleans Health Department
Dial: 311 or (877) 286-6431 | email: smokefree@nola.gov
nola.gov/smokefree

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

NO SMOKING OR VAPING

New Orleans City Code Chapter 66, Article II

CITY OF NEW ORLEANS

new orleans health department

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