

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM NO. 76(R)

May 18, 2015

TO: All Departments, Boards, Agencies, and Commissions

FROM: Andrew D. Kopplin, Chief Administrative Officer



SUBJECT: SMOKING AND VAPING POLICY

I. PURPOSE.

This memorandum amends the smoking policy to reflect the requirements of the Smoke Free Air Act, M.C.S. Ord. No. 26201, and amendments thereto and regulations to implement the ordinance established by the Department of Health. In addition to smoking restrictions that already exist under state law, the ordinance creates new restrictions on smoking and vaping in many locations across the city, including City Hall, City vehicles, and other City facilities.

II. SCOPE.

This policy applies to all employees and non-employees while on property owned, leased, occupied, or operated by the City. It is the City's intent to protect the welfare of each employee and its citizens by providing a smoke-free environment.

III. DEFINITIONS.

Smoking: Inhaling, exhaling, burning, carrying, or possessing of any lighted or heated cigar, cigarette, pipe, or other lighted/heated tobacco or plant product intended for inhalation.

Vaping: Using an electronic smoking device which creates an aerosol or vapor.

Enclosed: All space between a floor and a ceiling that is bounded on two or more sides by walls, doorways, windows (whether open or closed), dividers, or other physical barriers (whether temporary or permanent).

IV. ADMINISTRATIVE GUIDELINES.

A. Smoking and vaping is prohibited in all enclosed areas of buildings, vehicles, and other locations owned, leased, occupied, or operated by the City. An area is considered enclosed if it is bounded by two or more walls (or other barriers) and a ceiling. This includes enclosed outdoor areas surrounding City Hall, such as the covered area between City Hall and Civil District Court. It also includes City fire station and ambulance garage bays.

- B. Smoking and vaping is prohibited in certain unenclosed areas owned, leased, occupied, or operated by the City, including:
- Outdoor sports arenas, stadiums, recreational areas with playground equipment, and amphitheaters, except when being used for concerts, fairs, farmers' markets, festivals, and parades,
 - Bleachers and grandstands,
 - In and within five feet of Lafayette Square, and
 - In and within five feet of Richard & Annette Bloch Cancer Survivors Plaza on the Loyola Avenue neutral ground.
- C. Departments are responsible for removing ashtrays from and displaying signs in buildings, vehicles, and other relevant locations under their control. Signs must conform to the regulations established by the Department of Health. In enclosed areas, signs must be posted at all entrances and at the entrance to public restrooms. In unenclosed areas, signs must be posted in plain view of the unenclosed area. Signs also must be posted in City vehicles. Please contact the Department of Health and Department of Property Management to obtain signs.
- D. Departments are further responsible for directing employees and non-employees who are smoking or vaping in violation of the ordinance to stop or leave the area where smoking or vaping is prohibited.
- E. Employees are only allowed to smoke or vape during work breaks and only in areas not regulated by this policy, city ordinance, or state law.

V. PERSONNEL ACTIONS.

- A. Violations of this policy may result in disciplinary action in accordance with Civil Service Rule IX, Section 1 – Maintaining Standards of Service.
- B. Adverse personnel actions may not be taken against an employee who exercises or attempts to exercise rights granted or obligations imposed by the Smoke Free Air Act.
- C. Complaints should be directed to the Chief Administrative Office and the Department of Health.

VI. EMPLOYEE INFORMATION.

- A. Any employee who wants to stop smoking or vaping may seek assistance through the City's Department of Health. Resources to help quit smoking or vaping are available at nola.gov/smokefree and on the [Neutral Ground](#).
- B. For more information about the ordinance and regulations, please visit nola.gov/smokefree.