



## **New Orleans Smoke-Free Ordinance**

*What You Need to Know*

Last Updated | February 20, 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
- Within 5 feet of entrances and operable windows of the indoor locations listed above\*
  - Prohibition does not apply in designated smoking and vaping sections of outdoor seating, serving areas, balconies, and courtyards of bars, restaurants, and casinos
  - Prohibition does not apply on Bourbon Street
- Within 25 feet of entrances to buildings owned, leased, occupied, or operated by the City or State, including City Hall\*
- 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 and within 5 feet of bleachers and grandstands for use by spectators at sporting events\*
- State law also 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.

\* Subject to a pending ordinance. See page 3 for more information.

## **Where is Smoking and Vaping Allowed?**

- Private homes and vehicles
- Outdoors, 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)
- Hookah bars and cigar bars legally operating on or before December 31, 2014, as defined in the ordinance. However, cigarette smoking is prohibited in these establishments.
- 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. Guidance from the Health Department on the size, style, and location of required signs will be available soon.
- 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?**

- Starting April 22, noncompliance may be reported by calling 311. Operators will be available to receive calls Monday–Friday, 8am–5pm. 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, and will host two public hearings to receive public comment on these regulations. These public hearings will be announced in coming weeks and posted on [www.nola.gov/smokefree](http://www.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\*

\* Subject to a pending ordinance. See page 3 for more information.

### \* **Are there Proposed Changes to the Ordinance?**

- Pending Ordinance Calendar Number 30,578 introduced on 2/5/2015 proposes to remove the prohibition against smoking and vaping in the following places:
  - Within 5 feet of entrances and operable windows of indoor locations where smoking or vaping is prohibited
  - Within 25 feet of entrances to buildings owned, leased, occupied, or operated by the City or State, including City Hall. However, per state law, smoking will continue to be prohibited within 25 feet of public entrances and wheelchair ramps of office buildings owned by the State.
  - Within 5 feet of bleachers and grandstands for use by spectators at sporting events
- Pending Ordinance Calendar Number 30,522 introduced on 1/22/2015 proposes to remove the penalty for individuals smoking or vaping in violation of the ordinance.

### **What Resources are Available to Help Me 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 <http://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 <https://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 <http://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 <http://sph.lsuhs.edu/tci> or <http://www.lsuhs.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 <http://www.krewedequit.org/>.

### **For More Information:**

Contact the New Orleans Health Department  
Phone: 311 Email: [healthdepartment@nola.gov](mailto:healthdepartment@nola.gov)

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