

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: May 20, 2021

CALENDAR NO. 33,329

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER MORENO

AN ORDINANCE to amend and reordain Sections 66-36 and 66-38 of the Code of the City of New Orleans, and to ordain Section 66-73.1 of the Code of the City of New Orleans, relative to the City's Smoke Free Air Act, to expressly authorize NOPD to enforce the Smoke Free Air Act only via summons and to prohibit the smoking of marijuana outside of a private residence; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That 66-36 and 66-38 of the Code of the City of New Orleans are hereby amended and reordained, and that Section 66-73.1 of the Code of the City of New Orleans is hereby ordained to read as follows:

“Sec. 66-36. – Definitions.

Smoking means inhaling, exhaling, burning, carrying, or possessing any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, in any manner or form. Smoking also includes the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this article.

***”

“Sec. 66-38. Enforcement.

13

14 h) The Department of Police shall enforce the provisions of this Article only via
15 municipal summons.”

16 **“Section 66-73.1 - Marijuana Smoking Prohibited Outside of Private Residences.**

17 Notwithstanding any other provision of this Code to the contrary, smoking marijuana
18 outside of a private home or residence shall be a violation of this Article. Marijuana smoking shall
19 not be permitted within a private home or residence that is being used for childcare or daycare or
20 as a health care facility.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:
YEAS:
NAYS:
ABSENT:
RECUSED: