notice provisions of paragraphs (a) and (b) of this section.
(d) [Reserved]
(e) Any air carrier or foreign air carrier engaged in foreign air transporta-
tion that complies fully with this part for inbound traffic to the United
States need not use the last two sen-
tences of the notices required by para-
graph (a) of this subsection.
(Approved by the Office of Management and
Budget under control number 3024–0018)

PART 252—SMOKING ABOARD
AIRCRAFT

§ 252.1 Purpose.
This part implements a ban on smok-
ing of tobacco products on air carrier
and foreign air carrier flights in sched-
uled intrastate, interstate and foreign
air transportation, as required by 49
U.S.C. 41706. It also addresses smoking
on charter flights. Nothing in this reg-
ulation shall be deemed to require air
 carriers or foreign air carriers to per-
mit the smoking of tobacco products
aboard aircraft.

NOTE TO §252.1: As defined in 49 U.S.C.
40102, an “air carrier” is a citizen of the
United States undertaking to provide air
transportation, and a “foreign air carrier” is
a person, not a citizen of the United States,
undertaking to provide foreign air transpor-
tation.

§ 252.2 Applicability.
This part applies to all operations of
air carriers engaged in interstate, intra-
state and foreign air transportation and to
foreign air carriers engaged in foreign air
transportation, but does not apply to the on-demand ser-
vice of air taxi operators.

§ 252.3 Smoking ban: air carriers.
Air carriers shall prohibit smoking on
all scheduled passenger flights.

§ 252.5 Smoking ban: foreign air car-
riers.
(a) Foreign air carriers shall prohibit
smoking on all scheduled passenger
flight segments:
(1) Between points in the United
States, and
(2) Between the U.S. and any foreign
point.
(b) A foreign government objecting to
the application of paragraph (a) of this
section on the basis that paragraph (a)
provides for extraterritorial applica-
tion of the laws of the United States
may request and obtain a waiver of
paragraph (a) from the Assistant Sec-
etary of Transportation for Transpor-
tation Policy, provided that an alter-
native smoking prohibition resulting
from bilateral negotiations is in effect.

§ 252.7 No-smoking sections.
(a) Except as provided in paragraph
(b) of this section, air carriers oper-
ating nonstop flight segments to which
§§252.3 and 252.13 do not apply shall
provide, at a minimum:
(1) A no-smoking section for each
class of service;
(2) A sufficient number of seats in
each no-smoking section to accommo-
date all persons in that class of service
who wish to be seated there;
(3) Expansion of no-smoking sections
to meet passenger demand; and
(4) Special provisions to ensure that
if a no-smoking section is placed be-
tween smoking sections, the non-
smoking passengers are not unreason-
ably burdened.
(b) On flights for which passengers
may make confirmed reservations and
on which seats are assigned before