

# SENATE BILL 28

M3

(PRE-FILED)

0lr0359  
CF HB 13

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By: **Senators Lam, Hershey, Carozza, and Young**

Requested: July 14, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Solid Waste Management – Prohibition on Releasing a Balloon Into the**  
3 **Atmosphere**

4 FOR the purpose of prohibiting a person from knowingly and intentionally releasing or  
5 causing to be released, or organizing the release of, a certain balloon into the  
6 atmosphere; requiring the Department of the Environment to enforce this Act;  
7 authorizing the Department to delegate certain enforcement authority to a certain  
8 unit, officer, or official of a local government; requiring a certain unit, officer, or  
9 official of a local government with delegated enforcement authority to report certain  
10 violations to the Department; establishing a civil penalty for a violation of this Act;  
11 defining certain terms; providing for the application of this Act; and generally  
12 relating to a prohibition on releasing a balloon into the atmosphere.

13 BY adding to

14 Article – Environment

15 Section 9–2301 to be under the new subtitle “Subtitle 23. Miscellaneous Consumer  
16 Products”

17 Annotated Code of Maryland

18 (2014 Replacement Volume and 2019 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Environment**

22 **SUBTITLE 23. MISCELLANEOUS CONSUMER PRODUCTS.**

23 **9–2301.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3                   (2) "BALLOON" MEANS A NONPOROUS BAG OF TOUGH AND LIGHT  
4 MATERIAL, GENERALLY LATEX OR MYLAR, WHETHER FILLED OR UNFILLED.

5                   (3) "PERSON" MEANS AN INDIVIDUAL, A CORPORATION, A  
6 PARTNERSHIP, AN ASSOCIATION, A NONPROFIT ENTITY, THE STATE, OR ANY UNIT  
7 OR POLITICAL SUBDIVISION OF THE STATE.

8           (B) THIS SECTION DOES NOT APPLY TO:

9                   (1) A BALLOON THAT IS RELEASED FOR SCIENTIFIC OR  
10 METEOROLOGICAL PURPOSES:

11                           (I) BY OR ON BEHALF OF AN AGENCY OF THE STATE OR THE  
12 UNITED STATES;

13                           (II) IN ACCORDANCE WITH A CONTRACT WITH THE STATE, THE  
14 UNITED STATES, OR ANY OTHER STATE; OR

15                           (III) BY AN INSTITUTION OF HIGHER EDUCATION CONDUCTING  
16 RESEARCH;

17                   (2) A HOT AIR BALLOON THAT IS RECOVERED AFTER LAUNCH; OR

18                   (3) THE NEGLIGENT OR UNINTENTIONAL RELEASE OF A BALLOON.

19           (C) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY RELEASE OR  
20 CAUSE TO BE RELEASED, OR ORGANIZE THE RELEASE OF, A BALLOON INTO THE  
21 ATMOSPHERE.

22           (D) (1) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS  
23 SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$250 PER VIOLATION.

24                   (2) EACH ACT OF RELEASING, OR ORGANIZING THE RELEASE OF, A  
25 BALLOON OR GROUP OF BALLOONS CONSTITUTES A SEPARATE VIOLATION.

26           (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
27 THE DEPARTMENT SHALL ENFORCE THIS SECTION.

28                   (2) THE DEPARTMENT MAY DELEGATE ITS AUTHORITY TO ENFORCE  
29 THIS SECTION TO AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY, A

1 MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT.

2           **(3) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A LOCAL**  
3 **GOVERNMENT WITH DELEGATED AUTHORITY SHALL REPORT EACH VIOLATION**  
4 **UNDER THIS SECTION TO THE DEPARTMENT.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2020.