

HOUSE BILL 391

M3

(11r0598)

ENROLLED BILL

— *Environment and Transportation/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Hartman, Boyce, Arentz, Feldmark, Kerr, Lisanti, and Love**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

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; *prohibiting a person from organizing or participating in a mass balloon*
7 *release*; requiring the Department of the Environment to enforce this Act;
8 authorizing the Department to delegate certain enforcement authority to a certain
9 unit, officer, or official of a local government; requiring a certain unit, officer, or
10 official of a local government with delegated enforcement authority to report certain
11 violations to the Department; establishing a civil ~~penalty~~ *penalties* for a violation of
12 this Act; *requiring the Department to select, procure, or develop a certain video*;
13 defining certain terms; providing for the application of this Act; and generally
14 relating to a prohibition on releasing a balloon into the atmosphere.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY adding to
2 Article – Environment
3 Section 9–2301 to be under the new subtitle “Subtitle 23. Miscellaneous Consumer
4 Products”
5 Annotated Code of Maryland
6 (2014 Replacement Volume and 2020 Supplement)

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

9 **Article – Environment**

10 **SUBTITLE 23. MISCELLANEOUS CONSUMER PRODUCTS.**

11 **9–2301.**

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

14 (2) “BALLOON” MEANS A NONPOROUS BAG OF TOUGH AND LIGHT
15 MATERIAL, GENERALLY LATEX OR MYLAR, WHETHER FILLED OR UNFILLED.

16 (3) “MASS BALLOON RELEASE” MEANS AN EVENT WHERE A PERSON
17 OR PERSONS KNOWINGLY AND INTENTIONALLY RELEASE OR CAUSE TO BE RELEASED
18 10 OR MORE BALLOONS INTO THE ATMOSPHERE.

19 (4) “PERSON” MEANS AN INDIVIDUAL AT LEAST 13 YEARS OLD, A
20 CORPORATION, A PARTNERSHIP, AN ASSOCIATION, A NONPROFIT ENTITY, THE
21 STATE, OR ANY UNIT OR POLITICAL SUBDIVISION OF THE STATE.

22 ~~(4)~~ (5) “RADIO TRACKING DEVICE” MEANS AN INSTRUMENT THAT
23 EMANATES A SIGNAL THAT ALLOWS AN OPERATOR TO DETERMINE THE POSITION OF
24 A RELEASED BALLOON.

25 (B) THIS SECTION DOES NOT APPLY TO:

26 (1) A BALLOON THAT IS RELEASED FOR SCIENTIFIC OR
27 METEOROLOGICAL PURPOSES:

28 (I) BY OR ON BEHALF OF AN AGENCY OF THE STATE OR THE
29 UNITED STATES;

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

1 (III) BY AN INSTITUTION OF HIGHER EDUCATION CONDUCTING
2 RESEARCH;

3 (2) A BALLOON THAT IS:

4 (I) ATTACHED TO A RADIO TRACKING DEVICE; AND

5 (II) RELEASED BY A PERSON WHO HOLDS AN AMATEUR
6 OPERATOR LICENSE ISSUED BY THE FEDERAL COMMUNICATIONS COMMISSION;

7 (3) A HOT AIR BALLOON THAT IS RECOVERED AFTER LAUNCH; OR

8 ~~(3)~~ (4) THE NEGLIGENT OR UNINTENTIONAL RELEASE OF A
9 BALLOON.

10 (C) (1) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY RELEASE
11 OR CAUSE TO BE RELEASED, ~~OR ORGANIZE THE RELEASE OF,~~ A BALLOON INTO THE
12 ATMOSPHERE.

13 (2) A PERSON MAY NOT ORGANIZE OR PARTICIPATE IN A MASS
14 BALLOON RELEASE.

15 (D) (1) A PERSON WHO VIOLATES SUBSECTION (C)(1) OF THIS SECTION
16 SHALL PERFORM 6 HOURS OF COMMUNITY SERVICE OR WATCH AN EDUCATIONAL
17 VIDEO ON ENVIRONMENTAL DAMAGE CAUSED BY HUMAN POLLUTION OR BOTH.

18 (2) A PERSON WHO VIOLATES SUBSECTION (C)(2) OF THIS SECTION IS
19 SUBJECT TO A CIVIL PENALTY NOT EXCEEDING ~~\$250~~ \$100 PER VIOLATION.

20 (3) EACH ACT OF RELEASING, OR ORGANIZING THE RELEASE OF, A
21 BALLOON OR GROUP OF BALLOONS CONSTITUTES A SEPARATE VIOLATION.

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

24 (2) THE DEPARTMENT MAY DELEGATE ITS AUTHORITY TO ENFORCE
25 THIS SECTION TO AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY, A
26 MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT.

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

1 **(4) THE DEPARTMENT SHALL SELECT, PROCURE, OR DEVELOP AN**
 2 **EDUCATIONAL VIDEO THAT DOES NOT EXCEED 1 HOUR IN DURATION ON**
 3 **ENVIRONMENTAL DAMAGE CAUSED BY HUMAN POLLUTION THAT A PERSON WHO**
 4 **VIOLATES SUBSECTION (C)(1) OF THIS SECTION MAY VIEW IN ACCORDANCE WITH**
 5 **SUBSECTION (D)(1) OF THIS SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 7 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.