

SENATE BILL 716

M3
HB 13/20 – ENT

1lr2716
CF HB 391

By: **Senators Carozza, Hershey, and Lam**
Introduced and read first time: February 3, 2021
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 11, 2021

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.

15 BY adding to
16 Article – Environment
17 Section 9–2301 to be under the new subtitle “Subtitle 23. Miscellaneous Consumer
18 Products”
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2020 Supplement)

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

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.



Article – Environment

SUBTITLE 23. MISCELLANEOUS CONSUMER PRODUCTS.

9–2301.

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

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

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

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

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

(B) THIS SECTION DOES NOT APPLY TO:

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

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

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

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

(2) A BALLOON THAT IS:

(I) ATTACHED TO A RADIO TRACKING DEVICE; AND

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

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

2 ~~**(3)**~~ **(4)** THE NEGLIGENT OR UNINTENTIONAL RELEASE OF A
3 BALLOON.

4 **(C)** **(1)** A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY RELEASE
5 OR CAUSE TO BE RELEASED, ~~OR ORGANIZE THE RELEASE OF,~~ A BALLOON INTO THE
6 ATMOSPHERE.

7 **(2)** A PERSON MAY NOT ORGANIZE OR PARTICIPATE IN A MASS
8 BALLOON RELEASE.

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

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

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

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

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

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

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

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