

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 391

(Delegate Hartman, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

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

This bill prohibits, with specified exceptions, a “person” from (1) knowingly and intentionally releasing, or causing to be released, a balloon into the atmosphere or (2) organizing or participating in a “mass balloon release.” The bill establishes a civil penalty of up to \$100 per violation for organizing or participating in a mass balloon release. A person who violates the bill’s prohibition against knowingly and intentionally releasing, or causing to be released, a balloon into the atmosphere must watch an educational video and/or perform community service, as specified. The Maryland Department of the Environment (MDE) must select, procure, or develop the educational video. Generally, MDE must enforce the bill’s prohibition, but MDE is authorized to delegate enforcement authority to specified local authorities. A person with delegated enforcement authority must report each violation to MDE.

Fiscal Summary

State Effect: Potential increase in general fund expenditures beginning as early as FY 2022, as discussed below. Potential minimal increase in general fund revenues due to the bill’s penalty provision.

Local Effect: Potential minimal increase in expenditures for some local jurisdictions to enforce the bill’s prohibition, as discussed below. Local revenues are not anticipated to be affected.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: A “balloon” is a nonporous bag of tough and light material, generally latex or Mylar, whether filled or unfilled. A “person is an individual who is at least age 13, a corporation, a partnership, an association, a nonprofit entity, the State, or any unit or political subdivision of the State. A “mass balloon release” is an event where a person or persons knowingly and intentionally release or cause to be released 10 or more balloons into the atmosphere.

The bill’s prohibitions do not apply to (1) a balloon that is released for scientific or meteorological purposes, as specified; (2) a balloon that is attached to a “radio tracking device,” as defined, and is released by a person who holds an amateur operator license issued by the Federal Communications Commission; (3) a hot air balloon that is recovered after launch; or (4) the negligent or unintentional release of a balloon. Each act of releasing, or organizing the release of, a balloon or group of balloons constitutes a separate violation.

MDE must select, procure, or develop an educational video, which does not exceed one hour in duration, on environmental damage caused by human pollution that may be viewed by a person who violates the bill’s prohibition against knowingly and intentionally releasing, or causing to be released, a balloon into the atmosphere. A person who violates this prohibition must watch the educational video or perform six hours of community service, or both.

Current Law: There is no statewide ban specifically against releasing a balloon into the atmosphere, but in August 2019, Queen Anne’s County became the first county in the State to ban the intentional release of nonbiodegradable balloons. The ban in Queen Anne’s County, which took effect October 1, 2019, is similar to the prohibition in this bill. Wicomico and Montgomery counties also recently passed similar bans. Wicomico County’s ban took effect February 7, 2020, and Montgomery County’s ban took effect December 30, 2020. The Town of Ocean City also bans the release of balloons as part of its general ban on littering on public property.

Additionally, the State’s Illegal Dumping and Litter Control Law establishes the General Assembly’s intent to uniformly prohibit the improper disposal of “litter” on public or private property throughout the State. The law prohibits a person from (1) disposing of litter on a highway or performing an act that violates the State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on highways or (2) disposing or causing or allowing the disposal of litter on public or private property unless authorized or the litter is placed into a proper receptacle. A violation of these prohibitions is a misdemeanor, and for amounts of litter not exceeding 100 pounds or 27 cubic feet, and not for commercial gain, a violator is subject to a fine of up to \$1,500 and/or imprisonment for up to 30 days. For amounts exceeding 100 pounds or 27 cubic feet, but not exceeding

500 pounds or 216 cubic feet, and not for commercial gain, a violator is subject to fine of up to \$12,500 and/or imprisonment for up to one year. For amounts exceeding 500 pounds or 216 cubic feet, or in any amount for commercial gain, a violator is subject to a fine of up to \$30,000 and/or imprisonment for up to five years, or both. The court may also require cleanup, repair or payment of damages, community service, and suspension of the violator's driver's license.

“Litter” means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

State Expenditures: General fund expenditures may increase, beginning as early as fiscal 2022, for MDE to select, procure, or develop the required educational video. However, the magnitude of any such impact cannot be reliably estimated at this time because it is unknown whether (1) any such video already exists (and if there are any associated licensing or user fees) or (2) MDE must develop the required video. To the extent that MDE must pay licensing or user fees to use an existing video, costs may be ongoing. MDE notes that it does not have experience obtaining or making a video for this purpose.

Assuming MDE largely delegates enforcement authority to local governments and any remaining enforcement activities are complaint based, MDE can likely implement the bill's other provisions with existing budgeted resources. MDE can notify the public of the bill's prohibitions using existing resources.

MDE notes that the bill's prohibitions may help Maryland meet statewide trash and litter reduction goals.

Local Expenditures: Local governments that are delegated enforcement authority under the bill may incur a minimal increase in expenditures to enforce the bill's prohibitions. Assuming that enforcement activities are primarily complaint based, any increase in costs is anticipated to be minimal.

As noted above, Montgomery, Queen Anne's, and Wicomico counties and the Town of Ocean City already ban the intentional release of balloons.

Additional Information

Prior Introductions: Senate Bill 28 of 2020, a similar bill, passed the Senate with amendments and was referred to the House Environment and Transportation Committee, but no further action was taken. Its cross file, House Bill 13, passed the House with

amendments and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: SB 716 (Senator Carozza, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel, Garrett, Howard, and Montgomery counties; Maryland Department of the Environment; Department of Legislative Services

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