

Chapter 610

(House Bill 391)

AN ACT concerning

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

FOR the purpose of prohibiting a person from knowingly and intentionally releasing or causing to be released, ~~or organizing the release of,~~ a certain balloon into the atmosphere; prohibiting a person from organizing or participating in a mass balloon release; requiring the Department of the Environment to enforce this Act; authorizing the Department to delegate certain enforcement authority to a certain unit, officer, or official of a local government; requiring a certain unit, officer, or official of a local government with delegated enforcement authority to report certain violations to the Department; establishing a civil ~~penalty~~ penalties for a violation of this Act; requiring the Department to select, procure, or develop a certain video; defining certain terms; providing for the application of this Act; and generally relating to a prohibition on releasing a balloon into the atmosphere.

BY adding to

Article – Environment

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

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

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

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;

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

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

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

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

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

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

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

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.