

HOUSE BILL 391

M3
SB 28/20 – EHE

(PRE-FILED)

11r0598
CF SB 716

By: **Delegates Hartman, Boyce, Arentz, Feldmark, Kerr, Lisanti, and Love**

Requested: September 22, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 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; 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 2020 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**

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.



1 **SUBTITLE 23. MISCELLANEOUS CONSUMER PRODUCTS.**

2 **9-2301.**

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

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

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

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

13 **(B) THIS SECTION DOES NOT APPLY TO:**

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

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

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

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

22 **(2) A BALLOON THAT IS:**

23 **(I) ATTACHED TO A RADIO TRACKING DEVICE; AND**

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

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

27 ~~(3)~~ **(4) THE NEGLIGENT OR UNINTENTIONAL RELEASE OF A**
28 **BALLOON.**

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.