

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 28

(Senator Lam, *et al.*)

Education, Health, and Environmental Affairs

Environment and Transportation

**Solid Waste Management - Prohibition on Releasing a Balloon Into the
Atmosphere**

This bill prohibits, with specified exceptions, a “person” from knowingly and intentionally releasing, or causing or organizing the release of, a balloon into the atmosphere. The bill establishes a civil penalty of up to \$250 per violation. Generally, the Maryland Department of the Environment (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 minimal increase in general fund revenues due to the bill’s penalty provision. MDE can likely handle any enforcement and outreach activities with existing resources, as discussed below.

Local Effect: Potential minimal increase in expenditures for some local jurisdictions to enforce the bill’s prohibition. 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.

The prohibition against releasing a balloon into the atmosphere does not apply to (1) a balloon that is released for scientific or meteorological purposes, as specified; (2) a hot air balloon that is recovered after launch; or (3) 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.

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 County also passed a similar ban in December 2019 that takes effect February 7, 2020. Both of these county bans impose a civil fine of up to \$250 for violations. 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.

Background: According to the Pew Charitable Trusts, at least five states and approximately a dozen cities have regulations to limit planned balloon releases, including California, Connecticut, Florida, Tennessee, and Virginia.

The Washington Post reported in a September 2019 article that the communications director for the Marine Debris Program at the National Oceanic and Atmospheric Administration (NOAA) said balloons are not among the world’s top 10 ocean pollutants,

but researchers in Australia recently suggested that they might “be among the most harmful to sea birds, turtles and marine mammals.”

Researchers in Virginia, working with a grant from NOAA, last year released a study about the local problem of balloon litter in the marine environment. After four years monitoring five uninhabited beaches, the team discovered that balloon fragments, a type of marine debris, were the most prevalent type of debris. Latex balloons (most of which had burst) were the most common type of balloon litter found in the study. Foil balloons were commonly found deflated on Virginia’s remote beaches.

State Expenditures: Assuming MDE largely delegates enforcement authority to local governments and any remaining enforcement activities are complaint-based, MDE can likely implement the bill with existing budgeted resources. MDE can notify the public of the bill’s prohibition using existing resources.

MDE notes that the bill’s prohibition 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 prohibition. Assuming that enforcement activities are primarily complaint-based, any increase in costs is anticipated to be minimal.

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

Additional Information

Prior Introductions: None.

Designated Cross File: HB 13 (Delegate Hartman, *et al.*) - Environment and Transportation.

Information Source(s): Caroline, Howard, Montgomery, Prince George’s, Queen Anne’s, and Wicomico counties; cities of Annapolis and Bowie; Town of Ocean City; Maryland Department of the Environment; National Oceanic and Atmospheric Administration; Pew Charitable Trusts; *The Washington Post*; Department of Legislative Services

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