

709

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. KAVANAGH, WEISENBERG, COOK, PAULIN, SALADINO, JAFFEE -- Multi-Sponsored by -- M. of A. DINOWITZ, GOTTFRIED, HOOPER, MAYERSOHN, PHEFFER, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the release of certain balloons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings. The legislature finds that the  
2 release of large quantities of helium-filled balloons result in litter  
3 on land and at sea; that sea mammals and other marine life die upon  
4 ingesting deflated balloons; that growing public awareness concerning  
5 pollution has had the salutary effect of causing the cancellation of  
6 several celebratory and promotional launches of balloons; and that plac-  
7 ing statutory limitations on the quantity of balloons that may be  
8 launched will reduce litter and protect the ocean environment, and is in  
9 the public interest.

10     S 2. The environmental conservation law is amended by adding two new  
11 sections 11-0331 and 71-0929 to read as follows:  
12 S 11-0331. RELEASE OF CERTAIN BALLOONS PROHIBITED.

13     1. NO BUSINESS, FIRM, CORPORATION OR ASSOCIATION SHALL KNOWINGLY OR  
14 INTENTIONALLY RELEASE OR CAUSE TO BE RELEASED AT ANY SINGLE OUTDOOR  
15 CELEBRATION, PROMOTIONAL ACTIVITY, SPORTING OR OTHER PUBLIC EVENT WITHIN  
16 A TWENTY-FOUR HOUR PERIOD MORE THAN TWENTY-FIVE BALLOONS FILLED WITH  
17 HELIUM OR OTHER SUBSTANCE WHICH CAUSES THE BALLOON TO RISE OR FLOAT IN  
18 THE ATMOSPHERE. THIS SECTION SHALL NOT APPLY TO:

19     (A) BALLOONS WHICH ARE USED FOR THE PURPOSE OF CARRYING SCIENTIFIC  
20 INSTRUMENTATION DURING THE PERFORMANCE OF AN EXPERIMENT OR TESTING  
21 PROCEDURE OR BY A PERSON ON BEHALF OF A GOVERNMENTAL AGENCY OR PURSUANT  
22 TO A GOVERNMENTAL CONTRACT FOR SCIENTIFIC OR METEOROLOGICAL PURPOSES;

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 (B) HOT AIR BALLOONS THAT ARE RECOVERED AFTER LAUNCHING;

2 (C) BALLOONS RELEASED INDOORS.

3 2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, NO BUSINESS, FIRM,  
4 CORPORATION, OR ASSOCIATION SHALL KNOWINGLY OR INTENTIONALLY CAUSE TO BE  
5 RELEASE ANY BALLOONS IF SUCH BALLOONS:

6 (A) ARE MADE FROM METALLIZED NYLON, METALLIZED PLASTIC, OR ANY  
7 FOIL-LIKE SUBSTANCE; OR

8 (B) HAVE ANY STRINGS, RIBBONS, OR OTHER MATERIALS ATTACHED TO THEM.

9 S 71-0929. ENFORCEMENT OF SECTION 11-0331 OF THIS CHAPTER.

10 ANY VIOLATION OF SECTION 11-0331 OF THIS CHAPTER SHALL BE PUNISHABLE  
11 BY A CIVIL PENALTY OF TEN DOLLARS FOR EACH BALLOON RELEASED IN EXCESS OF  
12 THE LIMITS SET FORTH IN SUCH SECTION, NOT TO EXCEED FIFTY THOUSAND  
13 DOLLARS.

14 S 3. This act shall take effect on the first of November next succeed-  
15 ing the date on which it shall have become a law; provided, however,  
16 that effective immediately, the addition, amendment and/or repeal of any  
17 rule or regulation necessary for the implementation of the foregoing  
18 sections of this act on their effective date is authorized and directed  
19 to be made and completed on or before such effective date.