S T A T E O F N E W Y O R K

4906

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed 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:

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

S 2. The environmental conservation law is amended by adding two new sections 11-0331 and 71-0929 to read as follows:

S 11-0331. RELEASE OF CERTAIN BALLOONS PROHIBITED.

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

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

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

(C) BALLOONS RELEASED INDOORS.

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

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

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

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

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

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

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