STATE OF NEW YORK

8705

2019-2020 Regular Sessions

IN ASSEMBLY

October 23, 2019

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting the sale of helium inflated balloons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 399-jj to read as follows:

§ 399-jj. Prohibition of the sale of helium inflated balloons. 1. For the purpose of this section "helium inflated balloon" shall mean any inflatable object inflated with helium gas.

2. It shall be unlawful for any person, corporation, partnership or limited liability company to sell, offer for sale, manufacture, distribute, or transport in this state any helium inflated balloon.

3. This section shall not apply to balloons which are used for the purpose of carrying scientific experimentation during the performance of an experiment or test by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.

4. Whenever there shall be a violation of this section an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by the court or justice, enjoining and restraining any further violations, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three

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

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hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than five hundred dollars for each violation. Each sale of a helium inflated balloon or balloons in violation of this section shall constitute a separate violation. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.