STATE OF NEW YORK

S. 5308 A. 5902

2021-2022 Regular Sessions

SENATE - ASSEMBLY

March 2, 2021

IN SENATE -- Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. 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 balloons

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

Section 1. Legislative findings. When balloons are released into our airspace, balloon debris is introduced into our environment and our ecosystem. Like other plastics, balloon debris takes hundreds of years to degrade, resulting in the lasting and harmful pollution of our waterways, beaches, and environment. Balloon debris is also particularly harmful to marine and wildlife, commonly causing injury and death through ingestion and entanglement. In addition, balloons can pose a significant economic risk to boaters and the fishing industry by causing potentially severe damage to boats, while mylar balloons in particular can also threaten utility supply. It is necessary to curb the intentional release of balloons in order to prevent the wasting of natural resources, the littering and pollution of our communities and waterways, and the unnecessary harming of marine and wildlife.

§ 2. The environmental conservation law is amended by adding a new section 11-0331 to read as follows:

§ 11-0331. Release of certain balloons prohibited.

1. No person shall knowingly release or intentionally cause to be released outdoors a balloon. For purposes of this section, "balloon" shall refer to a flexible, nonporous bag made of materials such as rubber, latex, polychloroprene or nylon fabric that contains helium, hydrogen, nitrous oxide, oxygen, air or water.

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

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2. 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 test or by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;

(b) manned hot air balloons; or

(c) balloons released indoors.

§ 3. Section 71-0923 of the environmental conservation law is amended by adding a new subdivision 13 to read as follows:

13. A violation of section 11-0331 of this chapter is punishable by a fine not to exceed one thousand dollars, or imprisonment for fifteen days, or by both such fine and imprisonment.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.