

# 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:

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

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

16 § 11-0331. Release of certain balloons prohibited.

17 1. No person shall knowingly release or intentionally cause to be  
18 released outdoors a balloon. For purposes of this section, "balloon"  
19 shall refer to a flexible, nonporous bag made of materials such as  
20 rubber, latex, polychloroprene or nylon fabric that contains helium,  
21 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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1 2. This section shall not apply to:

2 (a) balloons which are used for the purpose of carrying scientific  
3 instrumentation during the performance of an experiment or test or by a  
4 person on behalf of a governmental agency or pursuant to a governmental  
5 contract for scientific or meteorological purposes;

6 (b) manned hot air balloons; or

7 (c) balloons released indoors.

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

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

13 § 4. This act shall take effect on the first of January next succeed-  
14 ing the date on which it shall have become a law.