

ASSEMBLY, No. 5553

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 5, 2021

Sponsored by:

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District 11 (Monmouth)

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District 11 (Monmouth)

SYNOPSIS

Prohibits intentional release of balloons or other floating devices outdoors.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning certain planned releases of balloons and other
2 floating devices and supplementing Title 13 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that: the outdoor release
9 of balloons and other floating devices present unnecessary risks to
10 the environment by endangering wildlife and marine animals; many
11 animals are attracted to the bright colors of balloons and other
12 floating devices and mistake them for food, or become entangled in
13 balloon strings, which can cause severe injury or death; the issue of
14 marine balloon litter is well-documented and is a growing problem
15 in waterways worldwide; and a 2016 study in Marine Policy, a
16 leading ocean policy journal, ranked balloons as number three of
17 the 20 deadliest trash items in the ocean.

18 The Legislature further finds and declares that: volunteers
19 cleaning New Jersey's beaches and shorelines on just 40 days
20 during the 20-year period (1999-2019) of Clean Ocean Action's
21 biannual Beach Sweeps collected over 70,000 balloons; a number of
22 municipalities in the State several municipalities have adopted
23 ordinances which prohibit the intentional release of balloons
24 inflated with lighter-than-air gases; and that a Statewide ban on the
25 release of balloons and other floating devices is the most effective
26 means of achieving a significant reduction in the debris from
27 balloons and other floating devices, and the environmental harm the
28 debris causes.

29
30 2. a. (1) No person or entity shall organize or conduct a
31 planned release of a balloon or other floating device outdoors,
32 except for:

33 (a) a balloon released for scientific or meteorological purposes,
34 on behalf of a government agency or pursuant to a government
35 contract; or

36 (b) a hot air balloon that is recovered after launching.

37 (2) A person or entity who violates the provisions of this
38 subsection shall be subject to the provisions of subsections a. and b.
39 of section 8 of P.L.1985, c.533 (C.13:1E-99.3).

40 b. (1) A retailer of a balloon or other floating device shall
41 display and maintain a conspicuous sign at the point of display and
42 the point of sale notifying a potential purchaser that the outdoor
43 release of balloons and other floating devices is considered a form
44 of littering and is prohibited and subject to penalties pursuant to this
45 section.

46 (2) A retailer who violates the provisions of subsection b. of this
47 section shall be subject to a civil penalty of \$500 for each offense.

1 c. The Department of Environmental Protection, Department of
2 Health, the Division of Consumer Affairs in the Department of Law
3 and Public Safety, or an entity certified pursuant to the “County
4 Environmental Health Act,” P.L.1977, c.443 (C.26:3A2-21 et seq.),
5 shall have the authority to enforce the provisions of this section. A
6 penalty imposed pursuant to this subsection may be collected, with
7 costs, in a summary proceeding pursuant to the “Penalty
8 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).
9 The Superior Court and the municipal court shall have the
10 jurisdiction to enforce the provisions of the “Penalty Enforcement
11 Law of 1999” in connection with this section.

12 d. This section shall supersede and preempt any municipal or
13 county rule, regulation, code, or ordinance enacted prior to the
14 effective date of this act concerning the intentional release of
15 balloons or other floating devices outdoors.

16 e. As used in this section:

17 “Balloon or other floating device” means an inflated balloon, sky
18 lantern, aerial luminary lantern, or any other device capable of
19 floating in air.

20 “Entity” means an association, firm, corporation, partnership,
21 group, or any other private entity, or a municipality, county, or
22 other government entity.

23 “Planned release” means the intentional release outdoors of a
24 balloon or other floating device.

25
26 3. This act shall take effect on the 90th day after the date of
27 enactment.

30 STATEMENT

31
32 This bill would prohibit a person or entity from organizing or
33 conducting a planned release of a balloon or other floating device
34 outdoors.

35 The bill defines “planned release” as the intentional release
36 outdoors of a balloon or other floating device. The prohibition in
37 the bill would not apply to: (1) a balloon to be released for
38 scientific or meteorological purposes, on behalf of a government
39 agency or pursuant to a government contract; or (2) a hot air
40 balloon that is recovered after launching.

41 A person or entity who violates the prohibition established in the
42 bill would be subject to the same monetary penalties and
43 community service requirements imposed for littering upon public
44 or private property pursuant to subsections a. and b. of section 8 of
45 P.L.1985, c.533 (C.13:1E-99.3). Under current law, a person who
46 litters is guilty of a petty disorderly persons offense, and subject to
47 a fine of not less than \$100 or more than \$500. In addition to the
48 monetary penalty, the court may direct a person to perform

1 community service, including litter pickup and removal, for a term
2 of not less than 20 hours nor more than 40 hours.

3 In addition, the bill would require retailers of balloons or other
4 floating devices to display and maintain a conspicuous sign at the
5 point of display and the point of sale notifying a potential purchaser
6 of the prohibition and penalty established by the bill. A retailer
7 who does not comply with this requirement would be subject to a
8 civil penalty of \$500 for each offense.

9 Lastly, the bill would supersede and preempt any municipal or
10 county rule, regulation, code, or ordinance enacted prior to the
11 effective date of the bill concerning the intentional release of
12 balloons or other floating devices outdoors. The provisions of the
13 bill would take effect 90 days after the bill is enacted into law.