

# ASSEMBLY, No. 4322

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 29, 2020

**Sponsored by:**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**SYNOPSIS**

Prohibits outdoor release and tethering of balloons and other floating devices.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/29/2020)

1 AN ACT concerning the release of balloons and other floating  
2 devices and supplementing Title 13 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that the release of  
8 inflated balloons, sky lanterns, aerial luminary lanterns, or similar  
9 floating devices presents danger and unnecessary risk to the  
10 environment, particularly to wildlife and marine animals; that many  
11 animals are attracted to the bright colors of balloons and other  
12 floating devices and mistake them for food which can cause severe  
13 injury or death; that many animals become entangled in materials  
14 used to tether floating devices, such as balloon strings, and are  
15 injured or killed as a result; that several municipalities have  
16 prohibited the release of balloons inflated with lighter-than-air  
17 gases; and that a Statewide ban on the release of inflated balloons,  
18 sky lanterns, aerial luminary lanterns, or similar floating devices,  
19 whether planned or unintentional, is the most effective means of  
20 achieving a significant reduction in the debris from balloons, other  
21 floating devices, and string and other materials used to tether  
22 floating devices, and the environmental harm the debris causes.

23

24 2. a. No person shall intentionally release a balloon or other  
25 floating device outdoors except for:

26 (1) a balloon released for scientific or meteorological purposes,  
27 on behalf of a government agency or pursuant to a government  
28 contract; or

29 (2) a hot air balloon that is recovered after launching.

30 b. No person shall tether a balloon or other floating device  
31 outdoors and intentionally leave it unattended except for:

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

35 (2) a hot air balloon tethered prior to launching or after being  
36 recovered from launching.

37 c. Any person who violates subsection a. of this section shall be  
38 subject to a civil penalty of \$1,000 for each offense. Any person  
39 who tethers a balloon or other floating device as prohibited in  
40 subsection b. of this section, which is released outdoors beyond the  
41 control of the person who tethered it, shall be subject to a civil  
42 penalty of \$2,000 for each offense.

43 d. The Department of Environmental Protection, Department of  
44 Health, or an entity certified pursuant to the "County Environmental  
45 Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) may institute a  
46 civil action for civil penalties or for injunctive relief to enforce this  
47 act and to prohibit and prevent a violation of this act, and the court  
48 may proceed in the action in a summary manner. A civil penalty

1 imposed pursuant to this section may be collected, with costs, in a  
2 summary proceeding pursuant to the “Penalty Enforcement Law of  
3 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court  
4 and the municipal court shall have the jurisdiction to enforce the  
5 provisions of the “Penalty Enforcement Law of 1999” in connection  
6 with this section.

7 e. The provisions of subsection a. and b. of this section shall not  
8 apply to a parade balloon.

9 f. As used in this section:

10 “Balloon or other floating device” means an inflated balloon, sky  
11 lantern, aerial luminary lantern, or any other device capable of  
12 floating in air and, if untethered, capable of floating out of the  
13 control of the person who tethered the device.

14 “Parade balloon” means an inflated balloon that is not intended  
15 to be released, at least 30 feet in height, and commonly walked  
16 along a parade route by people controlling the balloon with ropes or  
17 other tethers.

18 “Person” means an individual, association, firm, corporation,  
19 partnership, group, or any other entity, or a municipality, county, or  
20 other government entity.

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22 3. This act shall take effect on the 90th day after the date of  
23 enactment.

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#### STATEMENT

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28 This bill would prohibit the intentional outdoor release of a  
29 balloon or other floating device, or tethering such a device outdoors  
30 and intentionally leaving it unattended.

31 The bill exempts parade balloons from its provisions.

32 The bill defines “balloon or other floating device” as an inflated  
33 balloon, sky lantern, aerial luminary lantern, or any other device  
34 capable of floating in air and, if untethered, capable of floating out  
35 of the control of the person who tethered the device. “Parade  
36 balloon” is defined as an inflated balloon that is not intended to be  
37 released, at least 30 feet in height, and commonly walked along a  
38 parade route by people controlling the balloon with ropes or other  
39 tethers.

40 Specifically, the bill prohibits a person from intentionally  
41 releasing a balloon or other floating device outdoors or tethering a  
42 balloon or other floating device outdoors and intentionally leaving  
43 it unattended, except for:

44 1) a balloon to be released for scientific or meteorological  
45 purposes, on behalf of a government agency or pursuant to a  
46 government contract; or

47 2) a hot air balloon that is recovered after launching, or is  
48 tethered prior to launching or after it is recovered from launching.

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1 The bill establishes a penalty of \$1,000 for each offense for a  
2 person who intentionally releases a balloon or other floating device  
3 outdoors, or organizes a planned release of a balloon or other  
4 floating device. The bill establishes a penalty of \$2,000 for each  
5 offense for a person who tethers a balloon or other floating device  
6 in violation of subsection b. of section 2 of the bill, which is  
7 released beyond the control of the person who tethered it.

8 Finally the bill authorizes the Department of Environmental  
9 Protection, Department of Health, or an entity certified pursuant to  
10 the "County Environmental Health Act," P.L.1977, c.443  
11 (C.26:3A2-21 et seq.) to institute a civil action for civil penalties or  
12 for injunctive relief to enforce this act and to prohibit and prevent a  
13 violation of this act, and the court may proceed in the action in a  
14 summary manner.

15 Balloons and other floating devices present unnecessary risks to  
16 the environment by endangering wildlife and marine animals.  
17 Many animals are attracted to the bright colors of the balloons or  
18 floating devices and mistake them for food. If ingested, a balloon  
19 or other floating device can cause severe injury or death. Many  
20 animals become entangled in the materials that tether the devices,  
21 such as balloon strings, and are injured or strangled to death as a  
22 result. Furthermore, Mylar balloons have contributed to downed  
23 electrical wires resulting in power outages.

24 Atlantic City, the city of Asbury Park, the borough of Bradley  
25 Beach, the city of Brigantine, the city of Cape May, Egg Harbor  
26 City, the township of Long Beach, the borough of Longport,  
27 Margate City, the borough of New Milford, the city of North  
28 Wildwood, Sea Isle City, the city of Somers Point, Upper Township  
29 and Ventnor City have already adopted ordinances which prohibit  
30 the intentional release of balloons inflated with lighter-than-air  
31 gases. Nevertheless, a Statewide approach is the most effective  
32 means to significantly reduce the debris from these devices and the  
33 environmental harm and safety risks the debris causes.