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

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

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

2. a. No person shall intentionally release a balloon or other floating device outdoors except for:
   (1) a balloon released for scientific or meteorological purposes, on behalf of a government agency or pursuant to a government contract; or
   (2) a hot air balloon that is recovered after launching.

b. No person shall tether a balloon or other floating device outdoors and intentionally leave it unattended except for:
   (1) a balloon tethered to be released for scientific or meteorological purposes, on behalf of a government agency or pursuant to a government contract; or
   (2) a hot air balloon tethered prior to launching or after being recovered from launching.

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

d. The Department of Environmental Protection, Department of Health, or an entity certified pursuant to the “County Environmental Health Act,” P.L.1977, c.443 (C.26:3A2-21 et seq.) may institute a civil action for civil penalties or for injunctive relief to enforce this act and to prohibit and prevent a violation of this act, and the court may proceed in the action in a summary manner. A civil penalty...
imposed pursuant to this section may be collected, with costs, in a
summary proceeding pursuant to the “Penalty Enforcement Law of
and the municipal court shall have the jurisdiction to enforce the
provisions of the “Penalty Enforcement Law of 1999” in connection
with this section.

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

f. As used in this section:

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

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

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

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

STATEMENT

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

The bill exempts parade balloons from its provisions.

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

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

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

2) a hot air balloon that is recovered after launching, or is
tethered prior to launching or after it is recovered from launching.
The bill establishes a penalty of $1,000 for each offense for a person who intentionally releases a balloon or other floating device outdoors, or organizes a planned release of a balloon or other floating device. The bill establishes a penalty of $2,000 for each offense for a person who tethers a balloon or other floating device in violation of subsection b. of section 2 of the bill, which is released beyond the control of the person who tethered it.

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

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

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