

NEW YORK STATE BILLS AND LAWS CONCERNING BALLOONS

Note: This bill was introduced in January, 2005.

A01373, (S714) Summary:

SPONSOR: Grannis
COSPNSR: Weisenberg
MLTSPNSR: Dinowitz, Galef, Gottfried, Hooper, Mayersohn, Pheffer, Sanders

Add SS11-0329 & 71-0929, En Con L

Prohibits the release of 25 or more balloons inflated with a gas that is lighter than air within a 24 hour period to reduce litter and protect the marine environment; makes related provisions for enforcement and for certain exceptions.

A01373 Actions:

01/19/2005 referred to environmental conservation

05/17/2005 reported referred to codes

A01373 Votes:

A01373 Memo:

TITLE OF BILL: An act to amend the environmental conservation law, in relation to prohibiting the release of certain balloons

PURPOSE OR GENERAL IDEA OF BILL: Prohibits the mass release of helium balloons into the environment

SUMMARY OF SPECIFIC PROVISIONS: Section 1: Legislative findings; The release into the atmosphere of large numbers of helium balloons poses a danger and nuisance to the environment, particularly to wildlife and marine animals.

Section 2: En Con law is amended by adding two new sections. Section 11-0329 is added to prohibit any business, firm or corporation from intentionally releasing within a twenty-four hour period twenty-five or more balloons inflated with helium or any other substance which causes the balloon to rise or float in the atmosphere.

Exceptions to the prohibition include the following:

1. Balloons used for carrying scientific instrumentation or by a person on behalf of a governmental agency, or pursuant to a governmental contract for scientific or meteorological purposes;
2. Hot air balloons that are recovered after launching; and
3. Balloons released indoors.

Section 71-0929 would provide that any violation of 11-0329 shall be punishable by a civil penalty of ten dollars for each balloon released, not to exceed fifty thousand dollars.

JUSTIFICATION: What goes up must come down. Releasing balloons may seem like a harmless activity, however the litter caused by balloons has a significant impact on the environment. The hazards posed by balloons on marine life are well documented. The release of latex balloons into the atmosphere are a hazard to endangered sea turtles, whales, sea birds and other marine life. The vast majority of the balloons come down over the ocean and because these balloons resemble food (jellyfish) are eaten by marine life. At this point the animal can choke or the balloon

becomes lodged in such a way as to prevent the animal from absorbing nutrients, thereby starving to death.

Balloons have been found in the guts of dead sea turtles and whales in the Atlantic and Gulf coasts.

Legislation has already been passed in Florida, Connecticut and Tennessee limiting the release of helium balloons and is now under consideration in Massachusetts, New Jersey and Rhode Island. Suffolk County recently passed a similar ban.

PRIOR LEGISLATIVE HISTORY:

2003-04: A.1850 - Codes
2002: A.299 - Codes
2001: A.299 - En Con
1999-00: A.1151 - Codes
1997-98: A.464 - En Con
1996: A638 - En Con
1995: A.638 - Passed Assembly
1993 - 94: A.617 - Passed Assembly
1991-92: A.5278 - Passed Assembly
1990: A.9603 - Assembly Rules

FISCAL IMPLICATIONS: None

EFFECTIVE DATE: The first of November next succeeding the date on which it shall have become a law.

<http://assembly.state.ny.us/leg/?bn=A01373>

New York State EXISTING LAWS

Laws of SUFFOLK COUNTY, NEW YORK, v69, Updated 7-5-05 Part IV: Regulatory Local Laws (Chapters 201-500) Chapter 219, BALLOONS, HELIUM

Existing Law

HISTORY: Adopted by the Suffolk County Legislature 8-6-2002 by L.L. No. 17-2002.

Amendments noted where applicable.

§ 219-1. Legislative intent

A. This Legislature hereby finds that the release of helium and other lighter-than-air into the atmosphere has a deleterious effect on the environment when they inevitably deflate.

B. This Legislature also finds and determines that these many of which land in the ocean or Long Island Sound, represent the most common form of floating garbage and flotsam within two hundred miles of the shore.

C. This Legislature further finds and determines that the effect that this pollution has on marine life is incalculable at the present time and that research has indicated that marine life and animals ingest these as they appear near the surface because they believe they are spotting jellyfish or other edible resources

D. This Legislature finds that, since animals and marine life are not able to process the they will either choke on the balloon or the balloon will form an intestinal obstruction either of which will sentence these animals and marine life to a painful death.

E. This Legislature also determines that Mylar and latex which have washed ashore are a source of pollution which Suffolk County should decrease in order to eliminate the pollution, improve the County's aesthetics, and reduce the amount of flotsam endangering marine and animal life.

F. Therefore, the purpose of this chapter is to prohibit the release of helium or lighter-than-air into the atmosphere within the County of Suffolk in order to protect the air, land, and waters of Suffolk County against environmental contamination and degradation and to protect the health and life of animals, birds, and fish.

§ 219-2. Prohibition.

No person, nonprofit organization, firm, corporation, or municipality shall knowingly release, organize the release of, condone the release of, or intentionally cause to be released into the atmosphere, within a twenty-four-hour period, 25 or more helium or lighter-than-air gas within the County of Suffolk.

§ 219-3. Notification

Any business organization, including, but not limited to, any individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of any kind who sells or offers for sale helium or lighter-than-air gas to any person within the County of Suffolk for compensation shall disclose, in writing, the restrictions set forth in § 219-2 of this chapter by conspicuously posting a statement of these restrictions at each point of sale (all capital letters not less than two inches in height on a contrasting background). This statement shall read as follows:

IT IS UNLAWFUL TO RELEASE MORE THAN TWENTY-FIVE HELIUM OR LIGHTER-THAN-AIR GAS IN SUFFOLK COUNTY

§ 219-4. Enforcement.

http://gcp.esub.net/cgi-bin/om_isapi.dll?clientID=118972&advquery=Balloons&infobase=suffolk.nfo&record={79FF12C4}&softpage=Browse_Frame_Pg42

New York City Administrative Code § 27-4045 Title 27, Chapter 4

Prohibited types.

a. Storage, transportation or sale. It shall be unlawful to store, transport or sell within the city any of the following articles:

1. Fireworks containing chlorates (except chlorate of potash and chlorate of barium), picrates, fulminates or any high explosive;
2. Fireworks containing sulphur and chlorate in admixture;
3. Bombardments or mandarins made of chlorate mixtures;
4. Canes with chlorate mixtures;
5. Cartridge exploders;
6. Fireworks known as cannon salutes;
7. Fireworks with match-head or self-lighting ends, except ship signals;
8. Fireworks containing red or white phosphorus;

9. Explosive marbles;
 10. Composition used for detonating purposes.
- b. Discharge or use. It shall be unlawful to use or discharge any of the following articles:
1. Rockets or aerial salutes of any kind;
 2. Fireworks containing chlorates (except chlorate of potash and chlorate of barium), picrates, fulminates or any high explosive;
 3. Firecrackers longer than five inches or larger than three-fourths of an inch in diameter;
 4. Fireworks containing sulphur and chlorate in admixture;
 5. Bombardments or mandarins made of chlorate mixtures;
 6. Bombs and shells;
 7. All fireworks known as cannon salutes;
 8. Fireworks technically known as flying pigeons, flying devils, whirlwinds, wheat sheaves and gattling batteries;
 9. Fireworks containing red or white phosphorus;
 10. Fireworks with match-head or self-lighting ends;
 11. **Balloons** carrying a lighted substance;
 12. Cartridges of any kind, except as provided in subchapter five of this chapter;
 13. Explosive marbles;
 14. Composition used for detonating purposes, except as provided for in subchapter four of this chapter.

New York City Administrative Code § 27-4046
Title 27 Chapter 4

Prohibited, except for export. It shall be unlawful to store, sell or transport, except for delivery beyond the city limits any of the following articles:

1. Rockets or aerial salutes;
2. Firecrackers longer than five inches, or larger than three-fourths of an inch in diameter;
3. Bombs and shells;
4. Fireworks technically known as flying pigeons, flying devils, whirlwinds, wheat sheaves, gattling batteries, and similar articles;
5. Fireworks containing red or white phosphorus;
6. **Balloons** which are to be operated by a lighted substance.

New York City Administrative Code § 27-4099
Title 27, Chapter 4

Permit.

- a. Gases. It shall be unlawful to compress, generate, store, or sell any acetylene, Blaugas, Pintsch gas or other gases and mixtures of gases or transport through a pipe from one locality to another any gas, unless otherwise herein provided for, at a pressure exceeding six pounds to the square inch, or to compress atmospheric air to a pressure exceeding one hundred pounds to the square inch or in a compressor with a pressure gauge capable of exceeding one hundred pounds to the square inch, or in quantities exceeding a total container capacity of thirty cubic feet, without a permit.
- b. Toy balloons. It shall be unlawful for any person to fill or charge toy balloons with hydrogen or any other flammable gas, or to sell, transport, store, or have any such toy **balloon** in his or her possession.

- c. Fire extinguishing media. No permit shall be required to use, or store for use, any compressed gas which is used, or stored to be used, as a fire extinguisher media.

<http://public.leginfo.state.ny.us/menugef.cgi?COMMONQUERY=LAWS>