



Model State Legislation:

Balloon Pollution Prevention Act

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Summary

The Balloon Pollution Prevention Act would prohibit intentional releases of balloons into the environment. It includes penalties per balloon released and an age-based exemption. The bill also prohibits the sale of balloons labeled as "biodegradable" or in any other way that would imply they are safe or appropriate for release into the environment.

Section 1. Definitions

- (a) "Balloon" means a flexible bag made from synthetic or natural materials including but not limited to mylar or other transparent plastic or polyester resin, foil, metallic foil, rubber, plastic, or latex, electrically conductive material, or other nylon or fabric that is designed to be inflated or filled with air or gas that is lighter than air, and then sealed at the neck, usually as a toy or decoration.

Section 2. Intentional Balloon Releases Prohibited

- (a) No person or entity shall intentionally release, organize the release of, or intentionally cause to be released any balloon inflated with air or gas that is lighter than air, including but not limited to helium, except for any of the following:
- (1) Balloons released by a governmental agency or pursuant to a governmental contract or permit for scientific or meteorological purposes;
 - (2) A hot air balloon that is recovered after launching; or
 - (3) A balloon that is released and remains indoors.
- (b) Violation of this section is subject to a civil penalty of no more than \$25 per balloon released.
- (c) This section does not apply to a person 13 years of age or younger. If a person under the age of 13 releases a balloon by arrangement with or at the instruction of an adult, the adult shall be liable for the civil penalty assessed.

Section 3. Prohibiting Misleading Marketing Claims¹

- (a) [No person shall offer for sale, sell, distribute, or import into the state balloons labeled as "biodegradable" or with any other term or terms to imply that the product will break down, fragment, biodegrade or decompose in the environment or is otherwise safe or appropriate for release into the environment.]
- (b) Any person that violates this section is subject to a civil penalty of:
- (1) [\$500] for a first violation;
 - (2) [\$1,000] for a second violation; and

¹ Items marked in [] require state specific updates. This section should be revised to reflect any existing state laws regarding misleading marketing claims or labeling items as "biodegradable." Penalties should also be updated to align with existing laws.

(3) [\$2,000] for a third or subsequent violation.

Section 4. Enforcement

(a) A city, a county or the state may impose civil liability for violations of Sections 2 and 3 and civil penalties collected shall be deposited in [account].²

² This will vary from state to state but could include an account dedicated to environmental conservation or remediation of plastic pollution.

For additional information or for a word document version of this legislation, please contact:
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