

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2440 Session of
1990

INTRODUCED BY RUDY, GEORGE, BARLEY, NAILOR, PESCI, COY, HECKLER,
DeLUCA, PISTELLA, JOSEPHS, FREEMAN, PRESSMANN, KUKOVICH,
BILLOW, CORRIGAN, RITTER, GRUITZA, CAWLEY, BELARDI,
TANGRETTI, LEVDANSKY, BISHOP AND E. Z. TAYLOR, APRIL 4, 1990

REFERRED TO COMMITTEE ON CONSERVATION, APRIL 4, 1990

AN ACT

1 Prohibiting the release of certain balloons into the atmosphere;
2 further providing for the powers and duties of local
3 municipalities, the Fish Commission, the Game Commission and
4 the Department of Agriculture; and providing a penalty.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Balloon
9 Launch Law.

10 Section 2. Legislative finding.

11 The General Assembly finds that the release into the
12 atmosphere of large numbers of balloons inflated with lighter-
13 than-air gases poses a danger and nuisance to the environment,
14 particularly to wildlife and marine animals.

15 Section 3. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

1 "Balloon launch." An event during which a number of balloons
2 are released into the atmosphere within a short period of time.

3 "Department." The Department of Agriculture of the
4 Commonwealth.

5 Section 4. Balloon launches prohibited.

6 (a) General rule.--Except as provided in subsection (b), a
7 person, business or nonprofit organization may not intentionally
8 release, organize the release, or intentionally cause to be
9 released within a 24-hour period ten or more balloons inflated
10 with a gas that is lighter than air.

11 (b) Exceptions.--Balloons may be launched under any of the
12 following circumstances:

13 (1) When they are launched on behalf of a governmental
14 agency for scientific or meteorological purposes.

15 (2) When they are hot air balloons and are recovered
16 after launching.

17 (3) When they are released indoors.

18 (4) When they are either biodegradable or
19 photodegradable, as determined by the department under
20 section 5(a), and are closed by a hand-tied knot in the stem
21 of the balloon without string, ribbon or other attachments.

22 Persons who launch balloons under this exception shall be
23 prepared to show law enforcement officials a permit issued
24 under section 6(c). Failure to provide the permit is prima
25 facie evidence of a violation of subsection (a).

26 Section 5. Administrative powers and duties.

27 (a) Regulations.--The department shall adopt regulations
28 establishing the criteria for biodegradable and photodegradable
29 balloons that shall be exempt in accordance with section
30 4(b)(4).

1 (b) Enforcement.--This act shall be enforced by
2 municipalities in consultation with the Fish Commission, the
3 Game Commission and the department.

4 Section 6. Permits.

5 (a) Necessary for certain launches.--A balloon launch
6 scheduled to take place under section 4(b)(4) may not occur
7 unless the person or organization organizing the launch first
8 obtains a permit from the municipality in which the launch will
9 occur.

10 (b) Cost.--The permit fee is \$10. It shall be collected and
11 used by the municipality which issues the permit.

12 (c) Documentation.--A municipality may not issue a permit
13 unless it receives documentation evidencing that the balloons to
14 be used are either biodegradable or photodegradable, along with
15 a written statement by the permit applicant, signed by him under
16 penalty for false swearing, that the launch will be conducted in
17 compliance with all the requirements of section 4(b)(4),
18 including closing the balloon stem in the manner specified.

19 Section 7. Penalties.

20 (a) Prohibited launch.--A person who conducts a balloon
21 launch in violation of section 4 commits a summary offense and
22 shall, upon conviction, be sentenced to pay a fine of not less
23 than \$250.

24 (b) Failure to have or comply with permit.--A person who
25 conducts a launch in violation of section 6(c) commits a summary
26 offense.

27 (c) Disposition of collected fines.--Fines collected under
28 this section shall be used by the municipality.

29 Section 8. Effective date.

30 This act shall take effect as follows:

1 (1) Section 5(a) of this act shall take effect
2 immediately.

3 (2) The remainder of this act shall take effect in 60
4 days.