HOUSE DOCKET, NO. 2366 FILED ON: 1/19/2023

HOUSE . . . . . No. 875

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to helium balloons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Sarah K. Peake	*4th Barnstable*	*1/19/2023*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*1/27/2023*
Carol A. Doherty	*3rd Bristol*	*2/7/2023*

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By Representative Peake of Provincetown, a petition (accompanied by bill, House, No. 875) of Sarah K. Peake, Dylan A. Fernandes and Carol A. Doherty relative to the sale, distribution and release of balloons. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4786* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to helium balloons.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 131 of the General Laws, as appearing in the 2020 official edition, is hereby amended by inserting the following definition:

"intentional release", an event where one or more persons knowingly releases one or more balloons of any type into the atmosphere.

SECTION 2. Said chapter 131 is hereby amended by adding the following new section:

Section 119. (a) The organization of or participation in an intentional release of any type of balloon, including but not limited to plastic, latex and mylar, filled with any type of gas lighter than air is hereby prohibited. Whoever violates any provision of this section shall be liable for a civil penalty of not less than one hundred dollars, and an additional one hundred dollars for every

10 balloons intentionally released. Each intentional release, or organization of an intentional
11 release, shall constitute a separate violation. Subsequent violations shall be subject to liability for
12 a civil penalty of not less than five hundred dollars for each violation, and shall be subject to
13 liability for an additional civil penalty of one hundred dollars for every 10 balloons intentionally
14 released. The department shall implement and enforce this section and may promulgate rules and
15 regulations for the implementation and enforcement of this section. (b) The provisions of this
16 section shall not apply to: (i) balloons released by or on behalf of any agency of the
17 commonwealth or the United States for scientific or meteorological purposes, (ii) hot air balloons
18 that are recovered after launch, or (iii) balloons released by a person under the age of 12 years.
19 (c)The department shall prepare and make available to retail distributors (i) notice of the
20 provisions of this section and (ii) information about the harmful effects of releasing balloons into
21 the environment. The notice shall be available in English and in any other language spoken by at
22 least ten percent of the Massachusetts population. The notice shall be available for download on
23 the department's website.

24 SECTION 3. Chapter 24A of the General Laws, as appearing in the 2020 official edition,
25 is hereby amended by adding the following new section:

26 Section 6. Retail distributors of balloons of any type shall: (i) post notice of the
27 provisions of this act made available by the department of environmental protection on websites
28 used for online sales transactions and in retail locations in a location that is visible to customers;
29 and (ii) provide each customer purchasing one or more balloons, including but not limited to
30 online transactions, with information about the harmful effects of releasing balloons into the
31 environment. Retailers may provide customers purchasing balloons with weights and fasteners.

The office of consumer affairs and business regulation shall implement and enforce this section and may promulgate regulations for such implementation and enforcement.

SECTION 4. This act shall take effect 90 days after its passage.