

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 922
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10520-MHa-128

Short Title: Marine Life Protection Act.

(Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT MARINE LIFE AND THE ENVIRONMENT BY PROHIBITING
3 CERTAIN BALLOON RELEASES.

4 Whereas, an estimated 33 billion pounds of plastic wash into the ocean every year;
5 and

6 Whereas, helium-filled balloons can float long distances and come to rest as litter on
7 land, in waters, and on power lines; and

8 Whereas, balloon litter is an environmental nuisance that can pose significant danger
9 to wildlife; and

10 Whereas, loose balloons can come into contact with power lines and cause explosions,
11 power outages, and downed power lines, and thereby pose risks to public safety; and

12 Whereas, balloons and balloon fragments can resemble prey and pose a threat to
13 marine and terrestrial organisms, many of which are threatened or endangered animals; and

14 Whereas, animals that mistake balloons for food ingest the materials, resulting in
15 gastrointestinal blockages that prevent the animals from taking in nutrients, causing them to
16 slowly starve to death; and

17 Whereas, the strings tied to balloons can get tangled around birds and other wildlife,
18 asphyxiating them or tying them to one spot until they die of hunger; and

19 Whereas, balloon litter has been identified as among the five deadliest types of marine
20 debris in terms of risk posed to marine life; and

21 Whereas, many marine and aquatic animals drown when they become entangled in a
22 trailing ribbon or string; and

23 Whereas, the plastics in balloons, including foil balloons, never biodegrade but
24 instead break down into smaller and smaller particles called microplastics; and

25 Whereas, there is not yet a material used for balloons that is biodegradable; Now,
26 therefore,

27 The General Assembly of North Carolina enacts:

28 **SECTION 1.** Article 9 of Chapter 130A of the General Statutes is amended by
29 adding a new Part to read:

30 "Part 2K. Management of Certain Balloon Releases.

31 "**§ 130A-309.245. Release of certain balloons.**

32 (a) Finding. – The General Assembly finds that the release of balloons into the
33 environment of the State causes harm to the scenic beauty of the State and represents a danger
34 and nuisance to wildlife and marine animals.

35 (b) Offense. – It is unlawful for any person to engage in a balloon release.

36 (c) Definitions. – The following definitions apply in this section:



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- 1 (1) Balloon. – A nonporous bag of tough and light material, such as latex or mylar,
2 filled with air, a lighter than air gas, or a liquid such as water.
- 3 (2) Balloon release. – The knowing and intentional release of balloons by a person
4 or through the operation of a device controlled by a person, and subsequent
5 littering of released balloons or portions of released balloons, except for any
6 of the following:
- 7 a. Balloons released by a person on behalf of a government agency or
8 pursuant to a contract for scientific or meteorological purposes.
- 9 b. Hot air balloons that are recovered after launching.
- 10 c. A balloon release that occurs and is contained entirely within a
11 building, tent, or other construct that prevents the balloons from
12 reaching the environment.
- 13 (d) Enforcement. – A violation of this section shall be enforced by any law enforcement
14 officer as an infraction. The Secretary of Environmental Quality may also impose an
15 administrative penalty on a person violating this section as set forth in G.S. 130A-22(a)."

16 **SECTION 2.** G.S. 130A-22(a) reads as rewritten:

17 "(a) The Secretary of Environmental Quality may impose an administrative penalty on a
18 person who violates Article 9 of this Chapter, rules adopted by the Environmental Management
19 Commission pursuant to Article 9, or any term or condition of a permit or order issued under
20 Article 9. Each day of a continuing violation shall constitute a separate violation. The penalty
21 shall not exceed fifteen thousand dollars (\$15,000) per day in the case of a violation involving
22 nonhazardous waste. The penalty shall not exceed thirty-two thousand five hundred dollars
23 (\$32,500) per day in the case of a first violation involving hazardous waste as defined in
24 G.S. 130A-290 or involving the disposal of medical waste as defined in G.S. 130A-290 in or
25 upon water in a manner that results in medical waste entering waters or lands of the State; and
26 shall not exceed fifty thousand dollars (\$50,000) per day for a second or further violation
27 involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner
28 that results in medical waste entering waters or lands of the State. The penalty shall not exceed
29 thirty-two thousand five hundred dollars (\$32,500) per day for a violation involving a voluntary
30 remedial action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted
31 pursuant to G.S. 130A-310.12(b). For violations of Part 2K of Article 9 of this Chapter, Part 7 of
32 Article 9 of this Chapter and G.S. 130A-309.10(m): (i) a warning shall be issued for a first
33 violation; (ii) the penalty shall not exceed two hundred dollars (\$200.00) for a second violation;
34 and (iii) the penalty shall not exceed five hundred dollars (\$500.00) for subsequent violations. If
35 a person fails to pay a civil penalty within 60 days after the final agency decision or court order
36 has been served on the violator, the Secretary of Environmental Quality shall request the Attorney
37 General to institute a civil action in the superior court of any county in which the violator resides
38 or has his or its principal place of business to recover the amount of the assessment. Such civil
39 actions must be filed within three years of the date the final agency decision or court order was
40 served on the violator."

41 **SECTION 3.** The sum of one hundred thousand dollars (\$100,000) in recurring funds
42 for the 2024-2025 fiscal year is appropriated from the General Fund to the Department of
43 Environmental Quality for educational activities related to the prohibition imposed by this act.

44 **SECTION 4.** Sections 1 and 2 of this act become effective January 1, 2025, and
45 apply to offenses committed on or after that date. The remainder of this act becomes effective
46 July 1, 2024.