

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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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:

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

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

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

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

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

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

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

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

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

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

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

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

The General Assembly of North Carolina enacts:

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

"Part 2K. Management of Certain Balloon Releases.

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

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

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

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



- (1) Balloon. – A nonporous bag of tough and light material, such as latex or mylar, filled with air, a lighter than air gas, or a liquid such as water.
- (2) Balloon release. – The knowing and intentional release of balloons by a person or through the operation of a device controlled by a person, and subsequent littering of released balloons or portions of released balloons, except for any of the following:
- a. Balloons released by a person on behalf of a government agency or pursuant to a contract for scientific or meteorological purposes.
 - b. Hot air balloons that are recovered after launching.
 - c. A balloon release that occurs and is contained entirely within a building, tent, or other construct that prevents the balloons from reaching the environment.

(d) Enforcement. – A violation of this section shall be enforced by any law enforcement officer as an infraction. The Secretary of Environmental Quality may also impose an administrative penalty on a person violating this section as set forth in G.S. 130A-22(a)."

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

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

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

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