

REFERENCE TITLE: balloon requirements; release prohibition

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2664

Introduced by
Representatives Epstein: Chávez, Engel, Fernandez, Jermaine, Longdon,
Meza, Rodriguez, Salman, Teller, Terán, Senator Alston

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING
ARTICLE 27; RELATING TO TRADE PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is
3 amended by adding article 27, to read:

4 ARTICLE 27. BALLOONS

5 44-1383. Manufacturers; retail balloon packages; statement

6 BALLOON MANUFACTURERS MUST INCLUDE THE FOLLOWING STATEMENT ON EACH
7 PACKAGE OF BALLOONS THAT IS SOLD IN THIS STATE:

8 THE UNITED STATES FISH AND WILDLIFE SERVICE STATES:
9 "BALLOONS CAN POSE A THREAT TO MANY ANIMALS. BIRDS, TURTLES
10 AND OTHER ANIMALS COMMONLY MISTAKE BALLOONS FOR FOOD, WHICH
11 CAN HARM OR EVEN KILL THEM. IN ADDITION, MANY ANIMALS CAN
12 BECOME ENTANGLED IN BALLOON STRINGS, WHICH CAN STRANGLE THEM
13 OR HURT THEIR FEET AND HANDS."

14 44-1383.01. Balloons constructed from electrically conductive
15 materials; requirements

16 BALLOONS THAT ARE MANUFACTURED OR SOLD IN THIS STATE AND THAT ARE
17 CONSTRUCTED FROM ELECTRICALLY CONDUCTIVE MATERIALS:

18 1. MUST BE PERMANENTLY MARKED WITH THE NAME OF THE MANUFACTURER AND
19 A WARNING ABOUT THE RISK OF FIRE IF THE BALLOON COMES IN CONTACT WITH AN
20 ELECTRICAL POWER LINE.

21 2. MUST BE AFFIXED TO AN OBJECT OF SUFFICIENT WEIGHT TO COUNTER THE
22 BALLOON'S LIFT WHEN THE BALLOON IS INFLATED WITH A GAS THAT IS LIGHTER
23 THAN AIR.

24 3. ARE PROHIBITED FROM BEING ATTACHED TO AN ELECTRICALLY CONDUCTIVE
25 STRING, TETHER OR STREAMER, TO A BALLOON CONSTRUCTED OF ELECTRICALLY
26 CONDUCTIVE MATERIAL OR TO ANY OTHER ELECTRICALLY CONDUCTIVE OBJECT.

27 44-1383.02. Balloon release prohibition; exception

28 A. A PERSON MAY NOT RELEASE BALLOONS INTO THE ATMOSPHERE FOR ANY
29 REASON, INCLUDING AS PART OF AN EVENT, PROMOTIONAL ACTIVITY OR PRODUCT
30 ADVERTISEMENT.

31 B. A PERSON WHO ACCIDENTALLY RELEASES NOT MORE THAN FOUR BALLOONS
32 INTO THE ATMOSPHERE IS NOT IN VIOLATION OF THIS SECTION.

33 44-1383.03. Applicability

34 THIS ARTICLE DOES NOT APPLY TO ANY OF THE FOLLOWING:

35 1. HOT AIR BALLOONS THAT ARE RECOVERED AFTER A LAUNCH.

36 2. BALLOONS THAT ARE USED BY OR ON BEHALF OF THE GOVERNMENT OR A
37 SCIENTIFIC PROJECT OR FOR METEOROLOGICAL PURPOSES.

38 3. BALLOONS THAT ARE RELEASED INDOORS AND RECOVERED AFTER RELEASE.

39 44-1383.04. Violation; civil penalty; environmental nuisance;
40 statement

41 A. A PERSON WHO VIOLATES THIS ARTICLE IS SUBJECT TO A CIVIL PENALTY
42 OF NOT MORE THAN \$500 PER VIOLATION AND IS SUBJECT TO CITATION UNDER TITLE
43 49, CHAPTER 1, ARTICLE 3, RELATING TO ENVIRONMENTAL NUISANCES. EACH
44 PACKAGE OF BALLOONS THAT IS MANUFACTURED OR SOLD IN VIOLATION OF SECTION
45 44-1383 CONSTITUTES A SEPARATE VIOLATION. EACH BALLOON THAT IS

1 MANUFACTURED, SOLD OR RELEASED IN VIOLATION OF SECTION 44-1383.01 OR
2 44-1383.02 CONSTITUTES A SEPARATE VIOLATION.

3 B. A PERSON WHO VIOLATES THIS ARTICLE MUST READ AND SIGN A DOCUMENT
4 THAT CONTAINS THE FOLLOWING STATEMENT:

5 I UNDERSTAND THAT THE UNITED STATES FISH AND WILDLIFE
6 SERVICE STATES: "BALLOONS CAN POSE A THREAT TO MANY ANIMALS.
7 BIRDS, TURTLES AND OTHER ANIMALS COMMONLY MISTAKE BALLOONS FOR
8 FOOD, WHICH CAN HARM OR EVEN KILL THEM. IN ADDITION, MANY
9 ANIMALS CAN BECOME ENTANGLED IN BALLOON STRINGS, WHICH CAN
10 STRANGLE THEM OR HURT THEIR FEET AND HANDS."