

1 S.262

2 Introduced by Senator Champion

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; conservation and development; solid waste;
6 plastic; balloons

7 Statement of purpose of bill as introduced: This bill proposes to prohibit the
8 intentional release within a 24-hour period of five or more balloons inflated
9 with gas that is lighter than air.

10 An act relating to the intentional release of balloons

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 24 V.S.A. § 2202 is added to read:

13 § 2202. RELEASE OF BALLOONS; PENALTY

14 (a) As used in this section, “balloon” means a flexible, nonporous bag
15 made from materials such as rubber, latex, polyethylene terephthalate,
16 polychloroprene, or nylon fibers that can be inflated with gas and then sealed
17 at the neck.

18 (b)(1) A person shall not intentionally release, organize the release of, or
19 cause to be released into the atmosphere within a 24-hour period five or more
20 balloons inflated with a gas that is lighter than air.

1 (2) Subdivision (1) of this subsection shall not apply to:

2 (A) balloons released indoors; or

3 (B) balloons released for scientific or meteorological purposes.

4 (c) A person who violates a provision of this section is subject to a civil
5 penalty of not more than \$250.00. A violation of this section shall be
6 enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A.
7 chapter 29 in an action that may be brought by a municipal attorney, a solid
8 waste management district attorney, an environmental enforcement officer
9 employed by the Agency of Natural Resources, or any duly authorized law
10 enforcement officer.

11 (d) Enforcement actions taken under this section shall in no way preclude
12 the Agency of Natural Resources, the Attorney General, or an appropriate State
13 prosecutor from initiating other or further enforcement actions under the civil,
14 administrative, or criminal enforcement provisions of 10 V.S.A. chapter 23,
15 47, 109, 159, 201, or 211. To the extent that enforcement under this section is
16 by an environmental enforcement officer employed by the Agency of Natural
17 Resources, enforcement under this section shall preclude other enforcement by
18 the Agency for the same offense.

1 Sec. 2. 4 V.S.A. § 1102 is amended to read:

2 § 1102. JUDICIAL BUREAU; JURISDICTION

3 (a) The Judicial Bureau is created within the Judicial Branch under the
4 supervision of the Supreme Court.

5 (b) The Judicial Bureau shall have jurisdiction of the following matters:

6 (1) Traffic violations alleged to have been committed on or after July 1,
7 1990.

8 * * *

9 (6) Violations of 24 V.S.A. § 2201, relating to littering, burning of solid
10 waste, and illegal dumping.

11 * * *

12 (32) Violations of 23 V.S.A. § 1213(k), relating to tampering with an
13 ignition interlock device on behalf of another person.

14 (33) Violations of 24 V.S.A. § 2202, relating to the release of balloons.

15 (c) The Judicial Bureau shall not have jurisdiction over municipal parking
16 violations.

17 (d) Three hearing officers appointed by the Court Administrator shall
18 determine waiver penalties to be imposed for violations within the Judicial
19 Bureau's jurisdiction, except municipalities shall adopt full and waiver
20 penalties for civil ordinance violations pursuant to 24 V.S.A. § 1979. For

1 purposes of municipal violations, the issuing law enforcement officer shall
2 indicate the appropriate full and waiver penalty on the complaint.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on July 1, 2024.