**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-17-745 SO AS TO PROHIBIT THE RELEASE OF TWENTY OR MORE BALLOONS EN MASSE OR OVER THE PERIOD OF ONE HOUR, TO PROVIDE EXEMPTIONS, TO PROVIDE A CRIMINAL PENALTY, AND TO AUTHORIZE A PERSON TO SEEK AN INJUNCTION AGAINST SUCH ACTIVITY.

Whereas, the South Carolina General Assembly finds that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases poses a danger, and can cause death, to wildlife and marine animals and is a nuisance to the environment. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1.

“Section 16-17-745. (A) it is unlawful for a person, firm, or corporation to intentionally release, organize the release, or intentionally cause to be released, en masse or over the period of one hour, twenty or more balloons inflated with a gas that is lighter than air except for:

(1) balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;

(2) hot air balloons that are recovered after launching;

(3) balloons released indoors; or

(4) balloons that are either biodegradable or photodegradable and are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. If balloons are released pursuant to this exemption, the party responsible for the release shall make available to any law enforcement officer upon request evidence of the biodegradability or photodegradability of the balloons in the form of a certificate executed by the manufacturer. Failure to provide this evidence is prima facie evidence of a violation of this section.

(B) A person who violates subsection (A) is guilty of a misdemeanor and upon conviction must be fined two hundred fifty dollars.

(C) A person may petition the circuit court to enjoin the release of twenty or more balloons if that person is a resident of the county in which the balloons are to be released.”

SECTION 2. This act takes effect upon approval by the Governor.

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