

A lot of hot air?

Letting go of a balloon could cost you under Michigan House bill

By Joshua Antonini | July 2024

A bill to turn balloon releases into infractions is floating in the ether above the Michigan legislature. House Bill 4466, introduced in 2023, would classify “knowingly” releasing a balloon as littering and thus punishable as a civil infraction.

The legislation would serve as “an educational dissuasion tool,” Sen. Mallory McMorrow, D-Royal Oak, said in 2023. McMorrow has supported similar legislation in the past.

Under the terms of the proposed bill, deliberately allowing a balloon to float away would become illegal and subject to fines between \$250 and \$5,000.

The bill makes exceptions for hot air balloons that carry passengers. Scientific balloons that have been released “for scientific or meteorological purposes” as part of a government contract are also exempt.

The balloon bill was referred to the House Committee on Natural Resources, Environment, Tourism and Outdoor Recreation last year, leaving the fate of Michigan partygoers and schoolkids up in the air.

The rationale for this and similar bans is that what comes up must come down; the balloons will eventually pop, leaving strings that can incapacitate or strangle wildlife and small pieces of balloon debris that might litter nature and choke animals. These balloons and the strings typically tied to them can cause serious problems for various species, several studies have found.

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Concerns over the potential environmental impacts of balloon releases do not appear to be tied to politics. A bipartisan roster of legislators and governors

have pursued similar bans around the United States. California has banned metallic mylar balloons, citing the threat they can cause to power lines. In the future, any “foil balloons sold in California will be required to be proven incapable of conducting electricity.” It is also illegal to release latex balloons “intentionally,” in varying quantities, in Maryland, Connecticut, Delaware, Hawaii, Maine, Maryland, Rhode Island, Tennessee, Virginia and Florida. New Jersey has a pending bill, and numerous cities have also implemented bans.

The Balloon Council, a trade association representing balloon retailers, distributors, and manufacturers, recommends education as a better option than what it describes as “well-intentioned but ill-conceived laws.”

“We want people to continue to be able to use balloons, enjoy them, and then dispose of them properly,” Balloon Council executive director Lorna O’Hara told the Detroit Free Press in 2019. Her group promotes “putting all helium-filled balloons on weights and using biodegradable strings, or no attachments at all.”

The industry’s take is worth considering, because implementing and enforcing bans and fines is unwieldy and expensive. Concerned nonprofits and nongovernment organizations would get better results by cooperating with the industry.

Infractions rank beneath misdemeanors in the Michigan legal code, but they are not punishment-free. Many include licensing sanctions and other penalties. The lower level of offense also means the state’s burden of evidence is lighter, as you know if

you’ve ever taken your chances in traffic court. Maybe public safety demands infringing citizens in this way over dangerous driving or incidental offenses related to felonies. But do we want this treatment for new parents, graduates and newlyweds?

Rather than spending money to demonize balloon buffs and lobby for bans, activists could work with the industry on educational efforts to promote more responsible use and proper disposal of balloons.

When people understand the potential threat to wildlife that balloons can represent, they are more likely to avoid deliberately releasing them.

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