

By: Guerra

H.B. No. 3300

A BILL TO BE ENTITLED

AN ACT

relating to the release of a balloon; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 365, Health and Safety Code, is amended by adding Section 365.018 to read as follows:

Sec. 365.018. RELEASE OF BALLOON; CRIMINAL PENALTY. (a) In this section, "balloon" means a bag of rubber, latex, Mylar, or similar material inflated with lighter-than-air gas.

(b) A person commits an offense if the person knowingly releases a balloon into the air outside a roofed structure.

(c) A person commits an offense if:

(1) the person organizes, sponsors, or promotes an event knowing that the release of a balloon into the air outside a roofed structure is an authorized part of the event; and

(2) at the event, a balloon is released into the air outside a roofed structure.

(d) It is a defense to prosecution under this section that:

(1) the balloon was released for a meteorological or scientific purpose and that the release was made or authorized by a federal, state, or local governmental entity; or

(2) the balloon released was inflated with heated air and designed for recovery after launching.

(e) An offense under this section is a Class C misdemeanor.

(f) This section does not affect the authority of a

1 municipality to adopt or enforce an ordinance regarding the release
2 of a balloon.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2023.