



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4499

Introduced 1/31/2024, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

New Act

Creates the Foil Balloon Act. Provides that a person who manufactures a foil balloon in this State or a person who sells or distributes foil balloons that are filled with lighter-than-air gas in this State shall comply with specified requirements. Provides that the requirements do not apply to manned hot air balloons or to balloons used in governmental or scientific research projects. Provides that specified requirements are subject to a phase-in period of 4 years. Provides for violations and civil penalties.

LRB103 33378 SPS 63190 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Foil
5 Balloon Act.

6 Section 5. Definitions. As used in this Act:

7 "Commencement date" means the date on which the Institute
8 of Electrical and Electronics Engineers (IEEE) approves the
9 final standard for testing foil balloons at a level of
10 electric distribution voltages without causing an electrical
11 fault and all of the requirements of paragraph (1) of
12 subsection (d) are met or January 1, 2027, whichever is later.

13 "Foil balloon" means a balloon that is constructed of
14 electrically conductive material.

15 "Infeasible" means incapable of being accomplished in a
16 successful manner within a reasonable period of time, taking
17 into account economic, environmental, legal, social, and
18 technological factors.

19 "Person" means any individual, association, organization,
20 partnership, business trust, limited liability company,
21 corporation, or other entity.

22 "Phase-in period" means the gradual phase in of the
23 restrictions on the sale, offer for sale, and manufacture for

1 sale, in this State, of a foil balloon following the
2 commencement date.

3 Section 10. Restrictions.

4 (a) A person who manufactures a foil balloon in this State
5 shall comply with all of the following:

6 (1) permanently mark each foil balloon with a printed
7 statement, written in a legible font size and located in a
8 conspicuous area on the foil balloon, that warns the
9 consumer of at least one of the following:

10 (A) the dangers of releasing balloons that may
11 come into contact with overhead power lines; or

12 (B) if the foil balloon is manufactured to meet
13 the requirements described in subsection (d), the
14 consumer's responsibilities when disposing of foil
15 balloons;

16 (2) permanently mark each foil balloon with the
17 identity of the manufacturer; and

18 (3) permanently mark each foil balloon that it is in
19 compliance with this Section if the foil balloon is
20 manufactured to meet the requirements described in
21 subsection (d). Markings prescribed under the final
22 standard by the Institute of Electrical and Electronics
23 Engineers (IEEE) shall be considered a suitable mark.

24 (b) A person who sells or distributes a foil balloon that
25 is filled with lighter-than-air gas in this State shall comply

1 with both of the following:

2 (1) the person shall affix an object of sufficient
3 weight to each foil balloon or its appurtenance to counter
4 the lift capability of the foil balloon; and

5 (2) the person shall not attach the foil balloon to an
6 electrically conductive string, tether, or streamer, to a
7 balloon constructed of electrically conductive material,
8 or to any other electrically conductive object.

9 (c) This Section shall not apply to manned hot air
10 balloons or to balloons used in governmental or scientific
11 research projects.

12 (d) A person that sells, offers for sale, or manufactures
13 for sale, in this State, any foil balloon shall ensure that
14 those foil balloons pass a standard test, as determined by an
15 accredited testing facility capable of high-voltage testing.

16 (1) The standard test shall be the IEEE 2845 standard
17 when that standard is approved by the IEEE. The standard
18 test shall be approved when the IEEE does all of the
19 following:

20 (A) publishes an interim standard;

21 (B) completes its trial of the interim standard;

22 and

23 (C) publishes the final approved standard,
24 following materially substantive adjustments, if any,
25 to the interim standard.

26 (2) The requirement described in paragraph (1) is

1 subject to the following phase-in period:

2 (A) at least 25% of the person's foil balloons
3 shall comply no later than one year from the
4 commencement date;

5 (B) at least 55% of the person's foil balloons
6 shall comply no later than 2 years from the
7 commencement date;

8 (C) at least 80% of the person's foil balloons
9 shall comply no later than 3 years from the
10 commencement date; and

11 (D) 100% of the person's foil balloons shall
12 comply no later than 4 years from the commencement
13 date.

14 (e) Following the completion of the phase-in period
15 described in subsection (d), and notwithstanding any other
16 law, a person shall not sell, offer for sale, or manufacture
17 for sale, in this State, any foil balloon, unless the balloon
18 complies with this Section.

19 (f) All of the following dates and time periods shall be
20 tolled when a serious development, manufacturing, production,
21 or supply chain issue, or force majeure, occurs:

22 (1) the commencement date;

23 (2) the phase-in period described in paragraph (2) of
24 subsection (d);

25 (3) the prohibition against selling, offering for
26 sale, and manufacturing for sale described in subsection

1 (e);

2 (4) tolling shall last for a period of 24 months or
3 until the serious development, manufacturing, production,
4 or supply chain issue, or force majeure, is resolved,
5 whichever occurs first; and

6 (5) a serious development, manufacturing, production,
7 or supply chain issue, or force majeure, shall be deemed
8 to have occurred if both of the following are satisfied:

9 (A) the issue is outside of the control of the
10 business that develops, manufactures, produces, or
11 sells foil balloons; and

12 (B) the issue makes it infeasible to develop,
13 manufacture, produce, or sell foil balloons that
14 otherwise would be subject to the requirement of
15 paragraph (1) of subsection (a).

16 Section 15. Violations; civil penalty.

17 (a) A person who violates or attempts to violate Section
18 10 may be enjoined in any court of competent jurisdiction.

19 (b) A person who has violated Section 10 is liable for a
20 civil penalty in the amount of \$50 for each foil balloon that
21 was sold, offered for sale, manufactured for sale, or
22 distributed in violation of Section 10. This civil penalty
23 shall not exceed \$2,500 per day for a totality of violations of
24 Section 10, in addition to any other penalty established by
25 law. This civil penalty may be assessed and recovered in a

1 civil action brought in any court of competent jurisdiction.

2 (c) In assessing the amount of a civil penalty for a
3 violation of this Act, the court shall consider all of the
4 following:

5 (1) the nature and extent of the violation;

6 (2) the number and severity of the violations;

7 (3) the economic effect of the penalty on the person;

8 (4) the person's annual revenue in both balloon sales
9 and total sales;

10 (5) whether the person who violated Section 10 took
11 good faith measures to comply with Section 10 and when
12 these measures were taken;

13 (6) the deterrent effect that the imposition of the
14 penalty would have on both the person who violated Section
15 10 and the regulated community as a whole;

16 (7) the willfulness of the persons responsible for the
17 violation; and

18 (8) any other factors that justice may require.

19 (d) Actions arising under this Section may be brought by
20 the Attorney General in the name of the People of the State.

21 (e) Civil penalties collected under this Section shall be
22 paid to the office of the Attorney General.