STATE OF NEW YORK

8923

IN SENATE

January 16, 2026

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the energy law, in relation to prohibiting certain battery energy storage systems within one thousand feet of a populated area, in a city with a population of one million or more

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The energy law is amended by adding a new article 13 to read as follows:

ARTICLE 13

BATTERY ENERGY STORAGE SYSTEMS

Section 13-101. Definitions.

13-102. Battery energy storage systems; prohibitions.

§ 13-101. Definitions. For purposes of this article:

1. "Battery energy storage system" shall mean one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system shall be classified as a tier one or tier two battery energy storage system as follows: (a) tier one battery energy storage systems shall possess an aggregate energy capacity less than or equal to six hundred kilowatt hours and, if in a room or enclosed area, consist of only a single energy storage system technology; (b) tier two battery energy storage systems shall possess an aggregate energy capacity greater than six hundred kilowatt hours or are comprised of more than one storage battery technology in a room or enclosed area.

2. "Populated area" shall mean any residentially zoned area, school or hospital.

§ 13-102. Battery energy storage systems; prohibitions. No tier two battery energy storage system shall be constructed or operated within one thousand feet of a populated area, in a city with a population of one million or more.

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD14470-01-6