

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 Tele-
communications

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 Assem-
bly, do enact as follows:

1 Section 1. The energy law is amended by adding a new article 13 to
2 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:

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

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

22 § 13-102. Battery energy storage systems; prohibitions. No tier two
23 battery energy storage system shall be constructed or operated within
24 one thousand feet of a populated area, in a city with a population of
25 one million or more.

26 § 2. This act shall take effect immediately.

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

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