STATE OF NEW YORK

10901--A

IN ASSEMBLY

April 8, 2026

Introduced by M. of A. OTIS -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing whale strike prevention policies for large vessels

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

Section 1. This act shall be known and may be cited as the "whale strike prevention act".

§ 2. Article 13 of the environmental conservation law is amended by adding a new title 9 to read as follows:

TITLE 9

WHALE STRIKE PREVENTION POLICIES FOR LARGE VESSELS

Section 13-0901. Definitions.
13-0903. Whale interaction prevention policy requirements.
13-0905. Policy review; determination of compliance.
13-0907. Enforcement.
13-0909. Consistency with speed restrictions.

§ 13-0901. Definitions.

For purposes of this title, the following terms shall have the following meanings:

1. "Commercial vessel" shall mean and include every vessel which is propelled in whole or in part by mechanical power and is used or operated for commercial purposes in the marine and coastal district as described in section 13-0103 of this article.

2. "Whale interaction" means an act that constitutes harassment within the meaning of 16 U.S.C. 1362.

§ 13-0903. Whale interaction prevention policy requirements.

1. The department shall establish standards and requirements for whale interaction prevention policies. In doing so, the department shall consult with the port authority of New York and New Jersey, the department of transportation, and any other relevant agencies, and such agencies shall provide appropriate assistance to the department. In furtherance of the foregoing, the department shall also seek input from the

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

LBD11869-03-6

United States coast guard, the national oceanic and atmospheric administration, and the marine mammal commission.

2. Standards and requirements for whale interaction prevention policies shall require, at minimum, that each whale interaction prevention policy shall include:

(a) Consideration of federal and relevant international organization policies and best practices;

(b) Consideration of the latest scientific understanding about whale interactions, as such term is defined in section 13-0901 of this title, and timing and location of whale presence;

(c) Consideration of the latest technology to avoid whale interactions;

(d) Speed reduction measures to reduce the risk of whale strikes;

(e) Crew training and education;

(f) Vessel-specific considerations, including maneuverability, draft, and size;

(g) Consideration of modifications in vessel design and operation;

(h) Consideration of sea states;

(i) Consideration of the efficacy of various measures to reduce the risk of whale interactions;

(j) Any other considerations particular to the owner or the owner's vessel; and

(k) Such other factors as may be required by the department.

§ 13-0905. Policy review; determination of compliance.

1. Beginning July first, two thousand twenty-eight, every commercial vessel which is five hundred feet or more in length shall maintain a whale interaction prevention policy, and shall submit such policy to the department or the port authority of New York and New Jersey at least forty-eight hours prior to entering the marine and coastal district, provided the policy need not be submitted more often than annually. Such policy shall describe the actions taken and planned by the vessel owner, operator, and other responsible persons to reduce the likelihood that the vessel has a whale interaction. The department shall promulgate regulations governing the form of whale interaction prevention policy, and the manner in which it must be submitted.

2. The department shall review all whale interaction prevention policies for compliance. If the department determines that a whale interaction prevention policy does not meet the standards and requirements established pursuant to this section, then the department shall give notice of such determination and provide a sixty-day period to submit an amended whale interaction prevention policy which meets the standards and requirements of this section. If the vessel owner, operator, or other responsible person subject to this section is given a notice of determination that a whale interaction prevention policy does not meet the standards and requirements established pursuant to this section and does not submit a revised whale interaction prevention policy which meets such standards and requirements within the sixty-day period, then such owner shall be in violation of this section and subject to the enforcement provisions of subdivision thirteen of section 71-0923 of this chapter.

3. The department is hereby authorized to undertake any necessary or desirable actions to ensure compliance with the provisions of this section, including authorization to board and inspect vessels subject to the provisions of this section.

§ 13-0907. Enforcement.

The department, the port authority of New York and New Jersey, the office of the attorney general, and the department of transportation are hereby authorized to enforce the provisions of this title.

§ 13-0909. Consistency with speed restrictions.

Nothing in this section shall be construed to authorize any vessel to exceed existing federal, state, or local vessel speed restrictions or other applicable laws governing the movement of vessels.

§ 3. Section 71-0923 of the environmental conservation law is amended by adding a new subdivision 13 to read as follows:

13. A violation of section 13-0905 of this chapter shall be punishable by a fine of not less than one thousand dollars and not more than ten thousand dollars for each new violation of such title and a fine of not less than one thousand dollars and not more than fifteen thousand dollars per day for each day on which such violation continues.

§ 4. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law.