

# STATE OF NEW YORK

2292--B

2025-2026 Regular Sessions

## IN SENATE

January 16, 2025

Introduced by Sens. HARCKHAM, CANZONERI-FITZPATRICK, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, the navigation law and the vehicle and traffic law, in relation to enacting the whale awareness act

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

1 Section 1. This act shall be known and may be cited as the "whale  
2 awareness act".

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

### TITLE 9

#### WHALE AWARENESS ACT

7 Section 13-0901. Marine mammal interaction recommendations and educa-  
8 tional materials.

9 § 13-0901. Marine mammal interaction recommendations and educational  
10 materials.

11 1. The department shall establish recommendations and educational  
12 materials for the reduction of marine mammal interactions with vessels.

13 In developing such recommendations and educational materials, the  
14 department shall consult with the port authority of New York and New  
15 Jersey, the office of parks, recreation and historic preservation, the  
16 United States coast guard, the national oceanic and atmospheric adminis-  
17 tration, the marine mammal commission, and any other relevant agencies.

18 For purposes of this section, "marine mammal interaction" means any act

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

LBD04652-07-6

1 of pursuit, torment, or annoyance of a marine mammal in the wild that  
2 has the potential to injure or disturb such mammal by causing disruption  
3 of behavioral patterns, including, but not limited to, migration,  
4 breathing, nursing, breeding, feeding, or sheltering.

5 2. Recommendations and educational materials developed pursuant to  
6 this section shall be posted publicly on the department's website and  
7 provided to owners and operators of a party boat or charter boat pursu-  
8 ant to section 13-0336 of this article, persons participating in a boat-  
9 ing safety course required pursuant to section forty-nine of the naviga-  
10 tion law, and on or after December thirty-first, two thousand  
11 twenty-eight, to registrants of vessels registered in the state in  
12 accordance with section twenty-two hundred fifty-one of the vehicle and  
13 traffic law.

14 § 3. Section 75 of the navigation law, as amended by chapter 361 of  
15 the laws of 2013, is amended to read as follows:

16 § 75. Educational program. In order to protect the public interest in  
17 the prudent and equitable use of the waters of the state and enhance the  
18 enjoyment of pleasure boating and other sports thereon, the commissioner  
19 shall initiate and put into effect a comprehensive educational program  
20 designed to advance boating safety, which provides for the training of  
21 all boat operators in the safe operation of vessels including personal  
22 watercraft and specialty prop-craft. Such educational program shall  
23 include recommendations and educational materials for the reduction of  
24 marine mammal interactions with vessels developed pursuant section  
25 13-0901 of the environmental conservation law.

26 § 4. Section 2251 of the vehicle and traffic law is amended by adding  
27 a new subdivision 10 to read as follows:

28 10. Marine mammal interaction prevention. In issuing a registration  
29 pursuant to this section with respect to any registration application  
30 where the address therein is in the county of Suffolk, Nassau, Kings,  
31 Queens, New York, Richmond, Bronx, Westchester, or Rockland, the commis-  
32 sioner shall also provide marine mammal interaction prevention recommen-  
33 dations and educational materials developed pursuant to section 13-0901  
34 of the environmental conservation law.

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

44 § 6. This act shall take effect on the one hundred eightieth day after  
45 it shall have become a law; provided, however, section four of this act  
46 shall take effect December 31, 2028.