

# STATE OF NEW YORK

2292--A

2025-2026 Regular Sessions

## IN SENATE

January 16, 2025

Introduced by Sen. HARCKHAM -- 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

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 13-0903. Distribution of materials.

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

12 The department shall establish recommendations and educational materi-  
13 als for reduction of marine mammal interactions. In developing such  
14 recommendations and educational materials, the department shall consult  
15 with the port authority of New York and New Jersey, the department of  
16 transportation, and any other relevant agencies, and such agencies shall  
17 provide appropriate assistance to the department. In furtherance of the  
18 foregoing, the department shall also seek input from the United States  
19 coast guard, the national oceanic and atmospheric administration and the  
20 marine mammal commission. For purposes of this section, "marine mammal  
21 interaction" means an act that constitutes harassment within the meaning  
22 of 16 U.S.C. 1362.

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

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1 § 13-0903. Distribution of materials.

2 Recommendations and educational materials developed pursuant to  
3 section 13-0901 of this title shall be provided to registrants of  
4 vessels registered in the state in accordance with section twenty-two  
5 hundred fifty-one of the vehicle and traffic law.

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

8 § 75. Educational program. In order to protect the public interest in  
9 the prudent and equitable use of the waters of the state and enhance the  
10 enjoyment of pleasure boating and other sports thereon, the commissioner  
11 shall initiate and put into effect a comprehensive educational program  
12 designed to advance boating safety, which provides for the training of  
13 all boat operators in the safe operation of vessels including personal  
14 watercraft and specialty prop-craft. Such educational program shall  
15 include basic information regarding the prohibitions against harassment  
16 of marine mammals within the meaning of 16 U.S.C. 1362.

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

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

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

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