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:

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

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

TITLE 9

WHALE AWARENESS ACT

Section 13-0901. Marine mammal interaction recommendations and educational materials.

13-0903. Distribution of materials.

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

The department shall establish recommendations and educational materials for reduction of marine mammal interactions. In developing such recommendations and educational materials, 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 United States coast guard, the national oceanic and atmospheric administration and the marine mammal commission. For purposes of this section, "marine mammal interaction" means an act that constitutes harassment within the meaning 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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§ 13-0903. Distribution of materials.

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

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

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

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

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

§ 5. 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.

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