



State Watercraft Inspection and Decontamination Programs

Legislative and Regulatory Update

May 2024

“Building Consensus in the West” was an initiative of the Western Regional Panel on Aquatic Nuisance Species (WRP) that ran from 2011 - 2019. The goal of the WRP initiative was to develop a multi-state vision for watercraft inspection and decontamination (WID) programs. The National Sea Grant Law Center was an active participant in this initiative, providing legal research support and leading efforts to develop a [Model Legal Framework for State Watercraft Inspection and Decontamination Programs](#).

To assist policy-makers in identifying commonalities, differences, and gaps among states, the Law Center periodically reviewed each state’s WID laws and regulations to see how each state’s program compared to the authorities set forth in the model legal framework. This companion report, “From Theory to Practice: A Comparison of State Watercraft Inspection and Decontamination Programs to the Model Legal Framework,” was last updated and published in December 2018.

In 2020, the WRP released updated recommendations for the Quagga and Zebra Mussel Action Plan for Western U.S. Waters. The following strategy was identified by WRP members as a priority to prevent further spread of invasive mussels in the West.

A.3 States should maintain, increase, and/or establish authorities for mandatory WID through the passage of laws and regulations to fill gaps per the Model Legal Framework (NSGLC and AFWA, 2019) and associated Building Consensus agreements, operational procedures, protocols, and standards (WRP, 2019).

In May 2024, the Law Center reviewed legislative and regulatory activity in each of the 50 states to assess progress related to this strategy since December 2018. Aquatic Invasive Species (AIS) prevention, and the trailered watercraft pathway in particular, continues to be an active area of state policy making, at both the legislative and regulatory level. Between January 2019 and May 2024, 15 states enacted legislation or regulations to adopt new or amend existing WID requirements (see Appendix for details). Many of these actions demonstrate progress towards state alignment with the model legal framework.

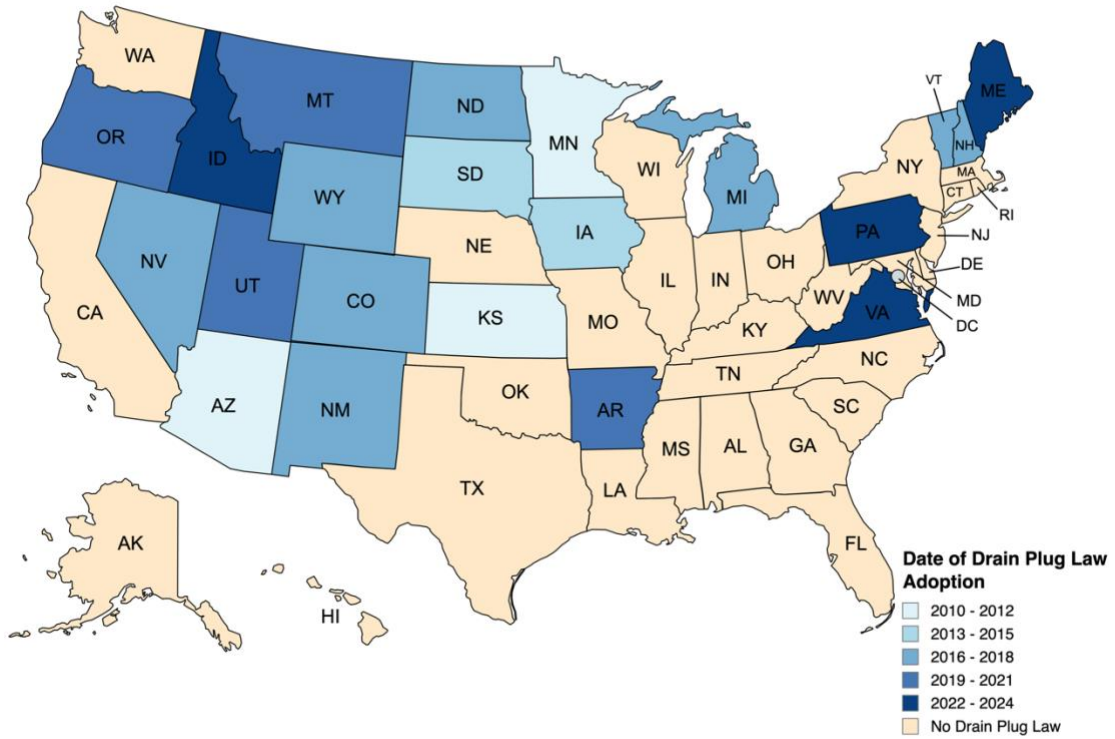
WID laws range along a continuum from simple prohibitions on the transport of aquatic plants on watercraft, trailers, and vehicles to mandatory WID protocols carried out by trained personnel. Other common WID laws prohibit the launch of watercraft with attached plants or animals, require watercraft to be cleaned and drained upon removal from a water, or impose specific drying times. Several states fund or operate voluntary courtesy boat inspection programs to increase compliance with legal requirements.

Today, 34 states have adopted at least one law that addresses the trailered watercraft pathway. Overall, the majority of the activity since January 2019 was focused on the adoption of drain plug removal requirements. This focus may be influenced by a July 2016 resolution of the Western Association of Fish and Wildlife Agencies encouraging standardized regulations requiring watercraft operators to remove all drainage plugs and visible plant material from the watercraft and trailer when leaving waters.

The legislative and regulatory provisions enacted by the 15 states since January 2019 can be grouped into 5 broad categories: funding, drying time, inspections, law enforcement stops, and drain plugs.

- **Funding:** In 2019, the Connecticut Legislature passed legislation requiring vessel operators to purchase an AIS stamp to generate revenue for the “Connecticut Lakes, Rivers and Ponds Preservation Account.” This account provides funding for research and educational activities through a competitive grant process, including the Candlewood Lake Launch Stewards ([source](#)). In 2024, the Idaho Legislature authorized the allocation of up to 20% of revenue in the state’s invasive species fund to local entities to operate WID stations.
- **Drying Time:** In 2023, Arizona amended the state’s drying time protocols set forth in Arizona Game and Fish Department *Director’s Order 3: Mandatory conditions for movement of watercraft, conveyances and equipment from affected waters*.
- **Inspections:** New York passed legislation in 2021 authorizing AIS inspection stations at Adirondack Park. In 2020, the South Dakota Department of Game, Fish and Parks repealed a regulatory provision stating that watercraft are subject to inspection and cleaning/decontamination orders. However, the agency’s statutory authority to conduct inspections and require decontamination remains.
- **Law Enforcement Stops:** Three states amended their WID laws to address failures to comply with inspection requirements or stop at WID stations. In 2021, Colorado passed legislation establishing that the refusal to stop at a watercraft inspection station is a violation of the law. In 2022, the Washington Department of Fish and Wildlife added a regulatory provision classifying the failure to stop at a mandatory check station as a gross misdemeanor. In 2022, Wyoming passed legislation imposing mandatory AIS checks for individuals who a law enforcement officer determines failed to have a conveyance inspected as required by law.
- **Drain Plugs:** Eight states passed legislation or promulgated regulations that require the removal of drain plugs and the draining of water from bilges, livewells, ballast tanks, and similar compartments when leaving a waterbody and during transport. These states are: Arkansas, Idaho, Maine, Montana, Oregon, Pennsylvania, Utah, and Virginia. In 2024, the Nebraska Games & Parks Commission initiated a rulemaking to adopt a drain plug requirement, but as of the date of publication final regulations have not been published. A total of 21 states now have drain plug removal requirements (Fig. 1), a significant increase from 2016 when just 5 states—Arizona, Kansas, New Mexico, North Dakota,

and South Dakota—required such action. To view an animation of the timeline of state adoption of drain plug laws from 2010 – 2024, click on this [link](#).



Created with mapchart.net

Fig. 1. Map of states that have enacted drain plug laws categorized by date of adoption.

Appendix: Details of State WID Legislative & Regulatory Activity since 2019

| State | WID Provision Prior to December 2018 | Update (Activity since Jan 2019) | Year | Attribute | Action Details and Notes |
|----------------|--------------------------------------|----------------------------------|------------|------------------------------------|---|
| Alabama | N | N | | | Note that provision in Nonindigenous Aquatic Plant Control Act exempting "unintentional adherence to boat..." remains (Ala. Code 9-20-3) |
| Alaska | N | N | | | |
| Arizona | Y | Y | 2023 | Drying Time | Issued updated Arizona Fish and Game Director Orders in 2023. Order 3 has new language re: drying times |
| Arkansas | N | Y | 2021 | Drain Plug | Adopted drain plug removal provision in 2021. No other relevant AIS laws. ANS certification program for commercial bait and ornamental fish. Ark. Admin. Code 209.02.6-1 |
| California | Y | N | | | S.B. No. 785 (2019) extended the repeal date for sec. 2031 (mussel prohibitions) through Jan. 1, 2030 and made other minor edits. A.B. No. 1150 (2023) made edits to clarify that the mussel infestation fee is separate from watercraft registration fee, and added enforcement language. |
| Colorado | Y | Y | 2021, 2022 | Definitions, Law Enforcement Stops | H.B. 21-1226 (2021) added a directive to investigate other states' methods for check stations. Added prohibition related to refusing to stop at check station. Amended - 33-10.5-103, -104, -105. H.B. 22-1229 (2022). Minor edits to penalty provision in 33-10.5-105. Several pieces of legislation between 2018 - 2023 amending/repealing provisions related to ANS fund set forth in 33-10.5-108 but no real substantive changes. Regulatory amendments in 2021, 2022 - with minor changes to definitions (vessel, wid seal); addition of language re: tampering with WID seals; exempted hand-launched vessels from inspection |
| Connecticut | Y | Y | 2019, 2023 | Funding (AIS Stamp) | Adopted legislation in 2019, amended in 2023, establishing the "Connecticut Lakes, Rivers and Ponds Preservation account" (C.G.S.A. § 14-21aa) and requiring payment by vessel owners of AIS fee (C.G.S.A. § 14-21bb). State established Office of AIS in 2022. |
| Delaware | N | N | | | |
| Florida | Y | N | | | |
| Georgia | N | N | | | |
| Hawaii | N | N | | | |
| Idaho | Y | Y | 2023, 2024 | Drain Plug; Funding | S. B. No. 1322 (2024) - added provision related to draining of vessels and drain plug removal; provided authority for up to 20% of revenue in invasive species fund to be allocated to local entities to operate WID stations. Requirement in 2024 appropriation bill to report back during the 2025 legislative session regarding the results of the data gathering about station bypassing, attainment of federal funds, and an operational review of the boat stations. S.B. No. 1017 (2023) added clarifying language about affixing invasive species stickers. Regulations adopted in January 2024 that add species to EDRR list and clean up language (no WID changes). |
| Illinois | Y | N | | | |
| Indiana | Y | N | | | Regulatory amendment to 312 IAC 18-3-23 to add two species of aquatic plant, but transport prohibition unaffected. |
| Iowa | Y | N | | | Legislation enacted in 2019 made minor edits to the provision related to the boater registration fees. Sunset date of June 2023. I.C.A. § 462A.52 |
| Kansas | Y | N | | | Agency name change - now Kansas Department of Wildlife & Parks. Some changes to citations - live wildlife prohibition now found in K.S.A. 32-1004. Regulatory citation for WID the same. |
| Kentucky | N | N | | | |
| Louisiana | N | N | | | Legislation enacted in 2019 repealed and abolished the Aquatic Invasive Species Advisory Task Force |
| Maine | Y | Y | 2023 | Drain Plug | L.D. 92 (2023) added a requirement for draining of watercraft and equipment. Codified at ME Stat. 38, sec. 419-C |
| Maryland | Y | N | | | |
| Massachusetts | Y | N | | | |
| Michigan | Y | N | | | |
| Minnesota | Y | N | | | H.F. 2310 (2023) made minor edits to Chapter 84D.10. |
| Mississippi | N | N | | | |
| Missouri | N | N | | | |
| Montana | Y | Y | 2021 | Drain Plug | 2021 Montana Laws Ch. 192 (H.B. 152) enacted draining and plug removal requirements. |
| Nebraska | Y | N | | | Note: There is a Nebraska Parks and Game Commission proposed rulemaking related to drain plugs that has not yet been enacted. Public hearing scheduled for June 2024. |
| Nevada | Y | N | | | S.B. 59 (2023) added several definitions to NV ST 488.035 that clarified some watercraft terminology but did not change scope. |
| New Hampshire | Y | N | | | |
| New Jersey | N | N | | | |
| New Mexico | Y | N | | | |
| New York | Y | Y | 2021, 2022 | Inspections | Legislation enacted in 2021 and amended in 2022 authorized aquatic invasive species inspection stations at Adirondack park. McKinney's ECL § 9-1711. Also amended McKinney's ECL § 9-1710 to provide for self-issuing certification. |
| North Carolina | N | N | | | |
| North Dakota | Y | N | | | Regulatory amendments adopted in 2024 with minor edits to water prohibition and equipment provision. |
| Ohio | N | N | | | |
| Oklahoma | Y | N | | | |
| Oregon | Y | Y | 2019 | Drain Plug | Legislation in 2019 (2019 Oregon Laws Ch. 154 (H.B. 2076)) added drain plug provision. Minor regulatory amendments in 2023 that removed unnecessary language and clarified provisions related to inspections. Citations impacted: OAR 250-010-0650 and 250-010-0660. |
| Pennsylvania | N | Y | 2023 | Drain Plug | Regulation enacted in September 2023 (effective Jan 2024) adding drain plug provision. |
| Rhode Island | N | N | | | |
| South Carolina | N | N | | | |
| South Dakota | Y | Y | 2020, 2021 | Inspections, Local Boater Program | Regulations adopted in 2020 and 2021 that provided an exemption to the statutory launch restriction and removed reference to local boat registry. New section: ARSD 41:10:04:02.01. Also repealed the section of the regulations related to watercraft inspections, but the statutory authority to conduct inspections remains. There was legislation enacted in 2021 (2021 South Dakota Laws Ch. 186 (HB 1036)) that amended this section with minor changes related to cross-citations. |
| Tennessee | N | N | | | |
| Texas | Y | N | | | |
| Utah | Y | Y | 2020 | Drain Plug | 2020 Utah Laws Ch. 195 (H.B. 255) added drain plug provision. Parallel regulatory provision adopted in September 2020. Enacted legislation (HB 469 (March 2024)) shifts regulatory authority to different division. No substantive changes. |
| Vermont | Y | N | | | Regulation adopted in March 2024 to amend section 3 and Appendix A of the Vermont Use of Public Waters Rules (UPW), Environmental Protection Rule Chapter 32 to regulate wakesports. Doesn't affect section which contains the aquatic nuisance species provisions. |
| Virginia | N | Y | 2022 | Drain Plug | Regulation adopted in 2022 adding drain plug provision. |
| Washington | Y | Y | 2022 | Law Enforcement Stops | Adds new regulatory section to classifying the failure to stop at mandatory AIS check station as a misdemeanor. WAC 220-640-011 |
| West Virginia | N | N | | | |
| Wisconsin | Y | N | | | |
| Wyoming | Y | Y | 2022 | Law Enforcement Stops | S.F 6 (2022) added provisions for mandatory aquatic invasive species checks for persons who have previously failed to have a conveyance inspected as specified. Codified at W.S.1977 § 23-4-203. |
| | | 15 | Change | | |
| | | 35 | No Change | | |