
A BILL FOR AN ACT

RELATING TO SHARKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that sharks, called
2 "mano" in the Hawaiian language, carry great cultural,
3 historical, and spiritual significance for many native
4 Hawaiians, native Hawaiian practitioners, and others who value
5 the Hawaiian culture. Sharks are revered and regarded by many
6 native Hawaiians as their "'aumakua," a protective ancestral
7 spirit.

8 The legislature further finds that shark tours – the
9 practice of charging customers to venture into ocean waters to
10 view sharks – routinely and continuously feed sharks and use
11 attractants to attract and hold many sharks near their
12 operational sites. Although outlawed in state and federal
13 waters for many years, commercial shark tour operators continue
14 to feed sharks.

15 The legislature also finds that a recent study concluded
16 that illegal shark feeding by the tour operators has caused
17 larger sharks, specifically the galapagos and tiger sharks, to



1 displace the smaller sharks from the cage diving sites. This
2 situation has disrupted our ocean environment.

3 The legislature further finds that ocean users near the
4 shark feeding sites have reported increased sightings of, and
5 interactions with sharks since illegal shark feeding began.
6 Lifeguards have reported increased shark sightings in the surf-
7 line, a Coast Guard search and rescue crew reported very large
8 sharks below an overturned boat, and boaters, along with
9 Honolulu fire department crews, reported numerous shark
10 sightings while conducting search and rescue operations.

11 The legislature finds that illegal use of food and other
12 attractants by commercial shark tour operators raise concerns
13 over the health, safety, and physical and mental welfare of
14 ocean users and residents of the State. Shark feeding is
15 disruptive to the ocean's ecology and natural environment, and
16 is disrespectful of native Hawaiian practitioners.

17 The purpose of this Act is to provide full deterrence from
18 illegal shark feeding and to enhance enforcement of the existing
19 laws against shark feeding in state waters.

20 SECTION 2. Section 188-40.6, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "[+]§188-40.6[+] Shark feeding; shark tour operations;
2 prohibitions; exceptions; penalties. (a) Except as provided in
3 subsection (b), or as otherwise provided by law, it shall be
4 unlawful for any person or entity to conduct any activity
5 related to the feeding of sharks in state marine waters[-],
6 including any person or entity aiding or abetting any shark tour
7 operator by feeding sharks, or dispensing or using any shark
8 attractant, at a shark tour site.

9 (b) Persons may engage in the feeding of sharks for
10 traditional Hawaiian cultural or religious practices[; ~~provided~~
11 ~~that the feeding is not part of a commercial activity~~].

12 (c) Persons engaged in the taking of marine life that
13 results in captured, injured, or dead fish being incidentally
14 eaten by sharks shall not be considered in violation of this
15 section; provided that the purpose of the taking of marine life
16 is not the feeding of sharks.

17 (d) It shall be unlawful for any person or entity in the
18 State to engage in shark tour operations which involve feeding
19 or the use of any other attractant to attract sharks for
20 viewing.



1 ~~[(d)]~~ (e) The department may issue permits to engage in
2 activities otherwise prohibited by law, in accordance with
3 section 187A-6, or as may be otherwise authorized by law.

4 (f) Any person or persons who violate this section shall
5 be guilty of a class C felony. In addition to any criminal
6 penalties, any person or entity who violates this section shall
7 be subject to:

8 (1) Seizure and forfeiture of all vessels, shark tour
9 operation equipment, and fishing equipment used in
10 commission of the offense;

11 (2) Seizure and forfeiture of all licenses and permits
12 issued by the State relating to marine activities,
13 including but not limited to commercial marine
14 licenses, vessel docking and passenger loading
15 permits, and harbor ramp use permits; and

16 (3) An administrative fine of not less than \$10,000 and
17 not more than \$25,000. In addition, the violator may
18 be assessed administrative fees and costs and
19 attorney's fees and costs.

20 ~~[(e)]~~ (g) As used in this section:

21 ~~["Commercial activity" means to engage in any action or to~~
22 ~~attempt to engage in any action for compensation in any form.~~



1 ~~The action or actions may include, but are not limited to,~~
2 ~~providing, or attempting to provide, guide services, charters,~~
3 ~~tours, and transportation to and from the location or locations~~
4 ~~for which such services are provided.~~

5 ~~"Compensation" means money, barter, trade, credit, and~~
6 ~~other instruments of value, goods, and other forms of payment.~~

7 ~~"Feeding"]~~ "Feed" or "feeding" means the introduction of or
8 an attempt to introduce any food or other substance into the
9 water to attract [~~marine life for any purpose other than to take~~
10 ~~the marine life.~~] sharks.

11 "Shark tour operations" means the maintenance of an office,
12 the collection, distribution, marketing, or advertising of
13 tickets for sale, or other business activity conducted by a
14 person in the State for the purpose of charging a fee to
15 residents or visitors to venture onto or into ocean waters to
16 view sharks from a boat or viewing cage; provided that this term
17 does not include educational or cultural expeditions or
18 endeavors for which a fee is not required to participate."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



H.B. NO. 2705

1 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Shark Tour Operations; Prohibition

Description:

Prohibits the operation of shark tours that feed or attract sharks. Amends the prohibition of shark feeding to include those aiding and abetting shark tours by feeding sharks or dispensing attractant. Defines shark tour operations. Establishes criminal and administrative penalties for violations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

