
A BILL FOR AN ACT

RELATING TO SHARK FEEDING.

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

1 SECTION 1. The legislature finds the practice of feeding
2 sharks is not in the interests of the people of Hawaii. This
3 activity is exploitive and concentrated shark populations are a
4 problem for Hawaii's ocean recreation community. An increased
5 shark population in well-known surfing, diving, fishing, and
6 other marine recreational areas increases the probability of
7 shark attacks.

8 The legislature further finds that shark feeding continues
9 in Hawaii's state and federal waters despite prohibitions in
10 both jurisdictions.

11 The purpose of this Act is to prohibit any commercial shark
12 feeding activity within state marine waters.

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

15 "~~+~~§188-40.6~~+~~ **Shark feeding; prohibitions; exceptions;**
16 **penalties.** (a) Except as provided in subsection (b), or as
17 otherwise provided by law, it shall be unlawful for any person
18 to conduct any commercial activity related to the feeding of



1 sharks in state marine waters.

2 (b) Persons may engage in the feeding of sharks for
3 traditional Hawaiian cultural [~~or~~] and religious practices[~~+~~] or
4 educational research purposes; provided that the feeding is not
5 part of a commercial activity. Persons engaged in shark feeding
6 for educational research purposes shall obtain a permit issued
7 by the department; provided that the department shall only issue
8 research permits to educational institutions.

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

15 (d) The department may issue permits under this section to
16 engage in activities otherwise prohibited by law, in accordance
17 with section 187A-6, or as may be otherwise authorized by
18 law[-]; provided that a permit shall only be issued upon a
19 showing to the department that less obtrusive measures have been
20 exhausted.

21 (e) As used in this section:



1 "Commercial activity" means to attempt to engage in or
2 engage in any action [~~or to attempt to engage in any action~~] for
3 compensation in any form[~~. The action or actions~~] that may
4 include, but [~~are~~] is not limited to, providing, or attempting
5 to provide, guide services, charters, tours, advertising, and
6 transportation to and from the location or locations [~~for which~~
7 ~~such services are provided.~~] related to the feeding of sharks.

8 "Compensation" means money, barter, trade, credit, goods,
9 and other instruments of value[~~, goods, and~~] or other forms of
10 payment.

11 "Feeding" or "feeding of sharks" means the introduction of,
12 or an attempt to introduce, any food or other substance,
13 including but not limited to blood, chemicals, and electronic
14 devices into [~~the water~~] state marine waters to attract [~~marine~~
15 ~~life for any purpose other than to take the marine life.~~] or
16 alter the natural feeding patterns and habitats of sharks.

17 (f) Any person violating this section or any rule adopted
18 thereunder shall be subject to:

19 (1) Seizure and forfeiture of a commercial marine license,
20 vessel, or shark feeding equipment; and

21 (2) An administrative fine of at least \$140,000 per
22 violation; provided that the violator may be assessed



1 administrative fees and costs and attorney's fees and
2 costs.

3 (g) Any criminal prosecution or penalty imposed for
4 violation of this section or any rule adopted thereunder shall
5 not preclude seizure and forfeiture pursuant to chapter 712A, or
6 the imposition of any administrative fines and costs or
7 attorney's fees and costs under this section.

8 (h) The department shall:

9 (1) Require an affidavit from shark tour operators prior
10 to every tour attesting to compliance with this
11 section;

12 (2) Require boat operators to post and recite state and
13 federal laws prohibiting shark feeding to all tour
14 passengers; and

15 (3) Conduct random searches of boat operators.

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



H.B. NO. 2664

1 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Commercial Shark Tours

Description:

Prohibits commercial shark tours from operating in the State.
Allows feeding for religious, cultural, or educational purposes.
Imposes penalties.

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