

STAND. COM. REP. NO. 720 -10

Honolulu, Hawaii

March 12, 2010

RE: S.B. No. 2169
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Economic Revitalization, Business, & Military Affairs, to which was referred S.B. No. 2169, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SHARK FINS,"

begs leave to report as follows:

The purpose of this bill is to prohibit the possession, sale, offering for sale, trade, or distribution of shark fins.

The Office of Hawaiian Affairs, Humane Society of the United States, Conservation Council for Hawaii, Shark Research Institute, Shark Savers, Shark Research Institute, Coalition to Protect Ocean Diversity, Iemanya Oceanica, Sierra Club-Hawaii Chapter, and numerous concerned individuals supported this bill. A concerned individual opposed this bill. The Department of Land and Natural Resources submitted comments.

Shark finning involves slicing the fins off of a shark and throwing the shark back into the ocean to die. This cruel and wasteful practice kills up to 70 million sharks a year. Shark finning is a major contributing factor to the global decline of shark species, which are apex marine predators that are vital to the regulation of the ocean ecosystem.

Hawaii currently prohibits the harvesting of shark fins in State waters unless the fins are taken from a fish brought to land

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whole. This bill would repeal the existing law and replace it with a prohibition on the possession, sale, or offering for sale, trade, or distribution of shark fins. The penalties for violation of the law -- a fine of \$5,000 to \$15,000, and forfeiture of the shark fins, commercial marine license, vessel, and fishing equipment -- would be changed by removing forfeiture.

Upon consideration, your Committee has amended this bill by:

- (1) Prohibiting the harvest, possession, sale, trade, transfer, or distribution of a shark or parts of a shark unless the shark is:
 - (A) Landed whole;
 - (B) Harvested under a commercial marine license or a noncommercial permit for bona fide research, propagation, or resource conservation; and
 - (C) Harvested in federal waters, on the high seas, or in state waters where shark fishing is permitted;
- (2) Specifying that information to be provided in connection with a noncommercial permit, includes among other things, the vessel registration number, location where the shark was caught, and a description of the shark;
- (3) Reinstating the penalty of forfeiture; and
- (4) Prohibiting under the Hawaii Food, Drug, and Cosmetic Act, the possession, sale, delivery for sale, holding for sale, or offering for sale of any shark fin or part of any shark fin.

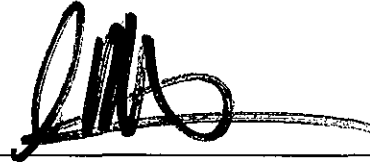
Your Committee finds that a violation of the Hawaii Food, Drug, and Cosmetic Act is subject to a fine of \$500, imprisonment for a year, or both, and administrative penalties of not more than \$10,000.

Your Committee respectfully requests the Committee on Water, Land, and Ocean Resources to examine concerns that the exceptions added by your Committee should be narrowed to remove potential loopholes and strengthen the law.



As affirmed by the record of votes of the members of your Committee on Economic Revitalization, Business, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2169, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2169, S.D. 2, H.D. 1, and be referred to the Committee on Water, Land, & Ocean Resources.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Revitalization, Business, &
Military Affairs,



ANGUS L.K. MCKELVEY, Chair



