

Honolulu, Hawaii

April 1, 2010

RE: S.B. No. 2169

S.D. 2

H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2169, S.D. 2, H.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 protect sharks and the ocean ecosystem by:

- (1) Prohibiting the harvest, possession, sale, trade, transfer, or distribution of a shark or shark parts unless landed whole and harvested under a commercial marine license issued by the Department of Land and Natural Resources (DLNR); and
- (2) Prohibiting the possession, sale, delivery for sale, holding for sale, or offering for sale of any shark fin or shark fin parts under the Hawaii Food, Drug, and Cosmetic Act.

The Office of Hawaiian Affairs, Shark Savers, Oceanic Defense, Conservation Council for Hawaii, The Snorkel Bob Foundation, Shark Safe Network, Hawaii Wildlife Fund, Animal Rights Hawaii, Shark Research Institute, National Wildlife Federation-Pacific Regional Center, Hawaii Audubon Society, The Humane Society of the United States, and numerous concerned individuals testified in support of this bill. A Honolulu County

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Councilmember and several concerned individuals opposed this measure. DLNR, the Department of Health, Hawaiian Humane Society, Ocean Legends, Hawaii Nearshore Fishermen and several concerned individuals provided comments.

Your Committee finds that, following its initial hearing in this Committee on March 29, 2010, S.B. 2169, S.D. 2, H.D. 2, relating to shark fins, was deferred because the bill in its current form would have unintended consequences, such as:

- (1) Prohibiting scientific research on sharks;
- (2) Preventing aquarium display of sharks;
- (3) Exposing commercial and recreational fishermen to accidental violations of law;
- (4) Killing Chinese cultural traditions; and
- (5) Negatively impacting the restaurant, retail, and wholesale distribution industries.

Additionally, the bill fails to address the continuing legality of existing shark-fin inventory. The policy goals of this bill have already been addressed by Hawaii law, the strongest in the nation on this matter, which prohibits shark finning and mandates fines up to \$15,000 in addition to forfeiture of boats, licenses, and other assets.

Due to impending legislative deadlines, crafting an amendment to S.B. No. 2169, S.D. 2, H.D. 2 was not practicable. Such an amendment would have required obtaining input from all stakeholders and thereafter performing extensive amendments to the current bill language, which, in addition to being improperly drafted, does not achieve the goals of all conservation advocates. Your Committee would like to emphasize that the final bill language must be amenable to all stakeholders or the bill's proponents will have failed in their advocacy and the measure will face difficulty in passage in the 2010 legislative session.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2169, S.D. 2, H.D. 2, and recommends that it pass Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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JON RIKI KARAMATSU, Chair



