

JAN 23 2020

---

---

# A BILL FOR AN ACT

RELATING TO COMMERCIAL SHARK TOURS.

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

1           SECTION 1. The legislature finds that shark boat tours,  
2 which began in Hawaii nearly twenty years ago, are increasingly  
3 popular with visitors and residents. In recent years, several  
4 tour operators have chosen to forsake protective shark cages and  
5 encourage customers to swim amongst sharks. In 2019, two  
6 separate incidents occurred where one and three persons,  
7 respectively, were bitten by sharks off the North Shore of Oahu.  
8 All four persons were sent to the emergency room for treatment.  
9           The legislature finds that shark boat tours are presently  
10 unregulated and safety measures, such as they are, vary greatly  
11 between operators. Sharks have the potential to cause great  
12 harm and death to humans. Noting the inherent risks associated  
13 with swimming with sharks, and the proliferation of shark tour  
14 operations, caged and uncaged, the legislature finds that shark  
15 boat tours should be regulated with appropriate codes of  
16 conduct, safety standards, and oversight.



1           The purpose of this Act is to regulate shark boat tour  
2 operators, improve public safety, and increase protections of  
3 shark within state waters.

4           SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7           "§188- Commercial shark tour regulations. (a) No  
8 commercial shark tour operator shall engage in the business of  
9 providing guided shark tours without first receiving a permit  
10 from the department. The department shall adopt rules to  
11 regulate commercial shark tour operations by permit which shall  
12 include but not be limited to:

- 13           (1) A maximum number of commercial shark tour permits  
14           available on an annual basis;  
15           (2) Designation of permitted operating sites;  
16           (3) Training for tour guides that shall include advanced  
17           first aid and aquatic rescue;  
18           (4) Education for tour guides on shark biology and ecology  
19           administered by the University of Hawaii's Hawaii  
20           Institute of Marine Biology;



- 1        (5) Requirements that at least one employee of the tour  
2                    operator shall remain on the vessel at all times;
- 3        (6) Requirements that all operators shall use shark or  
4                    diving cages for tours where people enter the water to  
5                    view sharks; provided that the department may waive  
6                    this requirement if the operator provides evidence of  
7                    insurance coverage for cageless shark tours;
- 8        (7) Requirements that the certificate of insurance  
9                    indicates if coverage is for tours that use cages at  
10                   all times or if the policy covers tours that allow  
11                   swimming with sharks outside of a cage;
- 12       (8) Establishment of a mandatory code of conduct that  
13                   prohibits the following behaviors:
  - 14                   (A) Night diving in sites identified as habitat  
15                   critical to the survival of sharks;
  - 16                   (B) Touching or interfering with the natural behavior  
17                   of sharks;
  - 18                   (C) Use of more than five pounds of bait approved by  
19                   the Hawaii institute of marine biology, during  
20                   daylight hours;



- 1            (D) Chasing, harassing, or interrupting the swimming
- 2            patterns of sharks;
- 3            (E) Blocking cave entrances or entrapping sharks;
- 4            (F) Diving in groups totaling more than eight divers;
- 5            (G) Using a mechanical apparatus, including but not
- 6            limited to scooters, horns, or electronic shark
- 7            protection devices;
- 8            (H) Operation of a commercial tour activity during a
- 9            small craft advisory; and
- 10           (I) Operation of a commercial tour activity during a
- 11           brown water advisory;
- 12           (9) Revocation of a permit based on the failure to comply
- 13           with permit conditions; and
- 14           (10) Annual renewal of permits.

15           (b) For purposes of this section, "commercial shark tour

16 operator" means any individual, firm, corporation, association,

17 partnership, or any group of persons, whether incorporated or

18 not, which provides shark tour excursions for compensation or

19 other consideration."

20           SECTION 3. New statutory material is underscored.

21



# S.B. NO. 3052

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

2

INTRODUCED BY:

*Ric Ruiz*

*Al*

*Yvonne*

*Ronald de Bahr*

*Al*

~~*Al*~~

*Kurt Ferrel*

*Breene Hunt*

*Nike Gebbard*



# S.B. NO. 3052

**Report Title:**

Commercial Shark Tour Operations; Regulations; Code of Conduct;  
Cage Requirements

**Description:**

Prohibits commercial shark tour operations from operating without a permit. Requires the department of land and natural resources to adopt rules to regulate commercial shark tours, including dive cage requirements and adherence to a code of conduct.

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

