

ACT 127

S.B. NO. 2613

A Bill for an Act Relating to Fishing Rights and Regulations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that feeding sharks and other marine life has become an increasingly popular activity as a tourist attraction in some areas. Attacks on people involved in feeding operations have been documented, and untrained sharks may pose a generally increased risk of attacks on individuals not involved in feeding operations. In response to these safety concerns, Florida recently banned feeding of sharks and other marine life.

The legislature further finds that the Hawaii board of land and natural resources has approved a series of public hearings later in the year on proposed administrative rules banning shark feeding in state waters.

The purpose of this Act is to add a new section in the Hawaii Revised Statutes that would ban shark feeding for commercial purposes.

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

“§188- Shark feeding; prohibitions; exceptions; penalties. (a) Except as provided in subsection (b), or as otherwise provided by law, it shall be unlawful for any person to conduct any activity related to the feeding of sharks in state marine waters.

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

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

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

(e) As used in this section:

“Commercial activity” means to engage in any action or to attempt to engage in any action for compensation in any form. The action or actions may include, but are not limited to, providing, or attempting to provide, guide services, charters, tours, and transportation to and from the location or locations for which such services are provided.

“Compensation” means money, barter, trade, credit, and other instruments of value, goods, and other forms of payment.

“Feeding” means the introduction of or an attempt to introduce any food or other substance into the water to attract marine life for any purpose other than to take the marine life.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2002.

(Approved May 31, 2002.)

Note

1. Edited pursuant to HRS §23G-16.5.