

JAN 22 2021

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 commercial shark
2 boat tours, that began in Hawaii nearly twenty years ago, are
3 increasingly popular with visitors and residents. Certain tours
4 allow customers to enter the water and view sharks from shark
5 cages, while other cageless tours allow customers into the water
6 to observe and swim near sharks.

7 The legislature finds that commercial shark boat tours are
8 presently unregulated and, as a result, safety measures vary
9 greatly between operators. Sharks have the potential to cause
10 great harm and death to humans. Noting the inherent risks
11 associated with swimming with sharks, and the proliferation of
12 shark tour operations, caged and uncaged, the legislature finds
13 that shark boat tours should be regulated with appropriate codes
14 of conduct and safety standards.

15 The purpose of this Act is to regulate commercial shark
16 boat tour operators, improve public safety, and increase
17 protections of sharks within state waters.



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

4 "§188- Commercial shark tour operators. (a) No
5 commercial shark tour operator shall engage in the business of
6 providing guided shark tours without first receiving a permit
7 from the department. The department shall adopt rules to
8 regulate commercial shark tour operations by permit that shall
9 include but not be limited to:

- 10 (1) A maximum number of commercial shark tour permits
11 available on an annual basis;
- 12 (2) Designation of permitted operating sites;
- 13 (3) Training for tour guides that shall include advanced
14 first aid and aquatic rescue;
- 15 (4) Education for tour guides on shark biology and ecology
16 administered by the University of Hawaii's Hawaii
17 institute of marine biology, or equivalent program as
18 determined by the department;
- 19 (5) Requirements that at least one employee of the tour
20 operator shall remain on the vessel at all times;



S.B. NO. 578

- 1 (6) Requirements that operators shall provide evidence of
2 insurance and maintain coverage that clearly
3 indemnifies the State against claims resulting from
4 the shark tour boat operations;
- 5 (7) Establishment of a mandatory code of conduct that
6 prohibits the following behaviors:
- 7 (A) Night diving in sites identified as habitat
8 critical to the survival of sharks;
- 9 (B) Touching or interfering with the natural behavior
10 of sharks;
- 11 (C) Using more than five pounds of bait or attractant
12 per day, in a manner approved by the Hawaii
13 institute of marine biology; provided that no
14 person shall be in the water when the bait or
15 attractant is deployed;
- 16 (D) Chasing, harassing, or interrupting the swimming
17 patterns of sharks;
- 18 (E) Blocking cave entrances or entrapping sharks;
- 19 (F) Diving in groups totaling more than eight divers;
- 20 (G) Operating a commercial tour activity during a
21 small craft advisory; and



S.B. NO. 578

- 1 (H) Operating a commercial tour activity in
- 2 conditions with less than thirty feet of
- 3 visibility;
- 4 (8) Cageless operators shall have additional best
- 5 management practices, including but not limited to:
- 6 (A) Presenting written policies and safety briefing
- 7 instructions to all customer-divers before
- 8 entering the water;
- 9 (B) Operating within thirty feet of a dive ladder
- 10 that is always readily accessible;
- 11 (C) Requiring in-water guides to have divemaster
- 12 certification;
- 13 (D) Requiring in-water guides to enter the water
- 14 first, always remain in the water during the
- 15 dive, enforce safety rules, and always remain
- 16 closer to customers than the nearest shark; and
- 17 (E) Requiring one in-water guide to be in the water
- 18 for every eight customer-divers in the water;
- 19 (9) Revocation of a permit based on the failure to comply
- 20 with permit conditions; and
- 21 (10) Annual renewal of permits.



S.B. NO. 578

1 (b) For purposes of this section, "commercial shark tour
2 operator" means any individual, firm, corporation, association,
3 partnership, or any group of persons, whether incorporated or
4 not, that provides shark tour excursions for compensation or
5 other consideration."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on January 1, 2022.

8

INTRODUCED BY: *J.P. Riviere*



S.B. NO. 578

Report Title:

Commercial Shark Tour Operations; Regulations; Code of Conduct

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 adherence to a code of conduct. Effective 1/1/2022.

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

