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

14           The purpose of this Act is to regulate commercial shark  
15 boat tour operators, improve public safety, and increase  
16 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 of land and natural resources. The  
8 department of land and natural resources shall adopt rules to  
9 regulate commercial shark tour operations by permit that shall  
10 include but not be limited to:

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



- 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 operators shall provide evidence of
- 4            insurance and maintain coverage that clearly
- 5            indemnifies the State against claims resulting from
- 6            the shark tour boat operations;
- 7        (7) Revocation of a permit based on the failure to comply
- 8            with permit conditions; and
- 9        (8) Annual renewal of permits.
- 10       (b) For purposes of this section, "commercial shark tour
- 11 operator" means any individual, firm, corporation, association,
- 12 partnership, or any group of persons, whether incorporated or
- 13 not, that provides shark tour excursions for compensation or
- 14 other consideration."

15        SECTION 3.    New statutory material is underscored.

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



**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. Effective 1/1/2022. (SD1)

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

