

JAN 27 2021

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# A BILL FOR AN ACT

RELATING TO SHARK PROTECTION.

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

1           SECTION 1. The legislature finds that sharks, known as  
2 "mano" in the Hawaiian language, are extremely important to  
3 ocean ecosystems. As ocean predators near the top of the food  
4 chain, sharks keep the ecosystem balanced, regulate populations  
5 of other marine life, and ensure healthy fish stock and reefs.

6           The legislature also finds that sharks are more vulnerable  
7 than most other fish species. They are long-lived and slow-  
8 growing, start reproducing at an advanced age, and produce  
9 relatively few offspring per year. If the food chain is  
10 disrupted by a decline in the shark population, it affects the  
11 entire reef system. Protection for sharks ultimately means  
12 healthier, more resilient oceans and reefs that are better able  
13 to withstand other pressures on the ocean ecosystem from climate  
14 change and pollution.

15           The legislature further finds that sharks not only play  
16 important ecological roles, but are also valued figures in  
17 Hawaiian culture. The benefits of maintaining viable



1 populations greatly outweigh any value that would be gained by  
2 killing these species.

3 The purpose of this Act is to protect sharks for their  
4 ecological value.

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

8 "§188- Shark product; import; prohibitions; exceptions;  
9 penalties and fines. (a) Except as provided in subsection (e),  
10 or as otherwise provided by law, no person shall import or cause  
11 to be imported into the State any shark product.

12 (b) Any person violating this section or any rule adopted  
13 pursuant to this section shall be guilty of a misdemeanor;  
14 provided that the fine for violating this section shall be:

- 15 (1) \$2,000 for a first offense;  
16 (2) \$10,000 for a second offense; and  
17 (3) \$30,000 for a third or subsequent offense.

18 (c) In addition to any other penalty imposed under this  
19 section, a person violating this section shall be subject to:

- 20 (1) Seizure and forfeiture of the shark product; and



1       (2) Assessment of administrative and attorney's fees and  
2           costs.

3       (d) The criminal penalties, administrative fees and costs,  
4 and attorney's fees and costs shall be assessed per shark  
5 product imported into the State in violation of this section.

6       (e) This section shall not apply to the importation into  
7 the State of the following:

8       (1) Shark fins as defined by section 188-40.7;

9       (2) Live sharks for the purpose of display in an aquarium  
10           or body of water;

11       (3) Live sharks or parts of sharks for the purpose of  
12           scientific study;

13       (4) Drugs as defined by section 21 United States Code  
14           321(g);

15       (5) Biological products licensed pursuant to section 42  
16           United States Code section 262;

17       (6) Dietary supplements as defined by section 21 United  
18           States Code 321(ff);

19       (7) Foods as defined in section 21 United States Code  
20           321(f); and



1       (8) Any item to be used in the exercise of traditional and  
2       customary rights protected pursuant to article XIII,  
3       section 7, of the Hawaii State Constitution.

4       (f) For the purposes of this section:

5       "Shark" means any species of shark within the subclass  
6       Elasmobranchii.

7       "Shark product" means a whole shark, shark teeth, shark  
8       skin, one or more shark body parts detached from other parts of  
9       a shark, a product containing body parts of a shark, or a  
10      product with one or more ingredients derived from a shark."

11       SECTION 3. Section 188-70, Hawaii Revised Statutes, is  
12      amended by amending subsection (a) to read as follows:

13       "(a) Any person violating any provision of or any rule  
14      adopted pursuant to this chapter, except sections 188-23 [~~and~~],  
15      188-39.5, and 188-\_\_\_\_\_, is guilty of a petty misdemeanor and, in  
16      addition to any other penalties, shall be fined not less than:

17       (1) \$100 for a first offense;

18       (2) \$200 for a second offense; and

19       (3) \$500 for a third or subsequent offense."



1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Karl Rhoad



# S.B. NO. 1261

**Report Title:**

Sharks Products; Import Prohibitions; Exemptions

**Description:**

Prohibits the importation of shark parts and products containing shark parts. Provides certain exemptions.

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

