

---

# A BILL FOR AN ACT

RELATING TO SPEARFISHING SAFETY.

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

1 SECTION 1. The legislature finds that breath-hold diving  
2 associated with spearfishing presents a risk of hypoxia,  
3 including shallow-water blackout, which may result in loss of  
4 consciousness, serious injury, or death. The legislature  
5 further finds that increased public awareness of hypoxic risk  
6 has been shown to reduce preventable drowning incidents.

7 The legislature recognizes that spearfishing is a lawful  
8 activity in the State and includes traditional, cultural,  
9 subsistence, and recreational practices.

10 Therefore, the purpose of this Act is to promote public  
11 health and safety through clear risk disclosure, without  
12 restricting lawful fishing practices or traditional uses, by  
13 establishing safety-warning requirements regarding spearfishing.

14 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:



1        **"§321- Spearfishing safety; warning requirements. (a)**

2        Any speargun or pole spear sold, leased, rented, or otherwise  
3        commercially distributed for use in the State shall display a  
4        safety warning regarding hypoxic risk associated with breath-  
5        hold diving.

6                (b) The warning required by subsection (a) shall state, in  
7        substantially similar language:

8                "DANGER: SPEARFISHING INVOLVES BREATH-HOLD DIVING.

9                PROLONGED SUBMERSION OR IMPROPER BREATHING MAY CAUSE HYPOXIA,  
10        LOSS OF CONSCIOUSNESS, OR DEATH. NEVER DIVE ALONE."

11                (c) The warning required in subsection (b) shall:

12                (1) Be permanently affixed, engraved, printed, or  
13        otherwise made durable;

14                (2) Be conspicuous and legible under normal conditions of  
15        use; and

16                (3) Appear in the English language and any additional  
17        language determined by the department of health to be  
18        appropriate, based on demographic and visitor use  
19        data.

20                (d) This section shall not apply to:



1        (1) Traditional, handcrafted, or homemade fishing  
2        implements not sold, rented, or otherwise distributed  
3        through a commercial transaction; or  
4        (2) Private, non-commercial transfers of spearfishing  
5        equipment.  
6        (e) The department of health shall adopt rules pursuant to  
7        chapter 91 to implement this section, including but not limited  
8        to requirements regarding:  
9        (1) The minimum size, format, and placement of the warning  
10       required in subsection (b);  
11       (2) Educational materials for retailers, lessors, rental  
12       operators, and other commercial distributors of  
13       spearguns or pole spears; and  
14       (3) Exemptions consistent with subsection (d).  
15       (f) Failure to comply with this section shall constitute a  
16       violation subject to enforcement by the department of health  
17       pursuant to this section and rules adopted thereunder."  
18       SECTION 3. New statutory material is underscored.



H.B. NO. 1765

1 SECTION 4. This Act shall take effect on July 1, 2027.

2

INTRODUCED BY:

  
JAN 21 2026



# H.B. NO. 1765

**Report Title:**

Spearfishing Safety; Warning Requirements

**Description:**

Establishes safety-warning requirements regarding spearfishing.  
Effective 7/1/2027.

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

