
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 Beginning July 1, 2027, all spearguns or pole spears sold,
3 leased, rented, or otherwise commercially distributed for use in
4 the State shall display a safety warning regarding hypoxic risk
5 associated with breath-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.

19 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Spearfishing; Safety Warning; Requirements

Description:

Establishes safety-warning requirements regarding spearfishing.
Requires safety warning to be displayed beginning 7/1/2027.
Effective 7/1/3000. (HD1)

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

