THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 3032 S.D. 1

A BILL FOR AN ACT

RELATING TO BEACHES.

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

SECTION 1. The legislature finds that existing laws under sections 171-58.5 and 205A-44, Hawaii Revised Statutes, prohibit the removal or disturbance of beach sand. However, landowners frequently hire licensed or unlicensed contractors to illegally remove sand from public beaches to fortify their private land.

The legislature further finds that the department of land and natural resources requires clearer authority to hold those persons liable.

Accordingly, the purpose of this Act is to clarify that any person in violation of laws and subject to administrative, civil, or criminal penalties prohibiting the removal of sand from public beaches includes licensed and unlicensed contractors.

SECTION 2. Section 171-58.5, Hawaii Revised Statutes, is amended to read as follows:

"**§171-58.5 Prohibitions.** [~~The~~] (a) Any person is prohibited from the mining or taking of sand, dead coral or

coral rubble, rocks, soil, or other beach or marine deposits, seaward from the shoreline [~~is prohibited~~] with the following exceptions:

(1) The inadvertent taking from seaward of the shoreline of [~~these materials,~~] beach or marine deposits, such as those inadvertently carried away on the body, [~~and~~ ~~on~~] clothes, toys, recreational equipment, and bags;

(2) For the replenishment or protection of public shoreline areas and adjacent public lands seaward of the shoreline, or construction or maintenance of state approved lagoons, harbors, launching ramps, or navigational channels with a permit authorized under chapter 183C;

(3) The clearing of [~~these materials~~] beach or marine deposits from existing drainage pipes and canals and from the mouths of streams, including clearing for the purposes under section 46-11.5; provided that [~~the~~] any sand removed shall be placed on adjacent areas unless [~~this~~] the placement would result in significant turbidity;

(4) The cleaning of areas seaward of the shoreline for state or county maintenance purposes, including the purposes under section 46-12; provided that [~~the~~] any sand removed shall be placed on adjacent areas unless the placement would result in significant turbidity;

(5) The exercise of traditional cultural practices as authorized by law or as permitted by the department pursuant to article XII, section 7, of the Hawaii State Constitution; or

(6) For the response to a public emergency or a state or local disaster.

(b) For the purposes of this section, "person" includes any individual, firm, partnership, corporation, association, or other legal entity, including licensed and unlicensed contractors."

SECTION 3. Section 205A-44, Hawaii Revised Statutes, is amended to read as follows:

"**§205A-44 Prohibitions.** (a) [~~The~~] Any person is prohibited from the mining or taking of sand, dead coral or coral rubble, rocks, soil, or other beach or marine deposits,

from the shoreline area [~~is prohibited~~] with the following exceptions:

(1) The inadvertent taking from the shoreline area of [~~the materials,~~] beach or marine deposits, such as those inadvertently carried away on the body, [~~and on~~] clothes, toys, recreational equipment, and bags;

(2) Where the mining or taking is authorized by a variance pursuant to this part;

(3) The clearing of [~~these materials~~] beach or marine deposits from existing drainage pipes and canals and from the mouths of streams, including clearing for the purposes under section 46-11.5; provided that [~~the~~] any sand removed shall be placed on adjacent areas unless the placement would result in significant turbidity;

(4) The cleaning of the shoreline area for state or county maintenance purposes, including the clearing for purposes under section 46-12; provided that [~~the~~] any sand removed shall be placed on adjacent areas unless the placement would result in significant turbidity;

(5) The taking of driftwood, shells, beach glass, glass floats, or seaweed;

(6) The exercise of traditional cultural practices as authorized by law or as permitted by the department pursuant to article XII, section 7, of the Hawaii State Constitution; or

(7) For the response to a public emergency or a state or local disaster.

(b) Except as provided in this section, structures are prohibited in the shoreline area without a variance pursuant to this part. Structures in the shoreline area shall not need a variance if:

(1) They were completed prior to June 22, 1970;

(2) They received [~~either~~] a building permit, board approval, or shoreline setback variance prior to June 16, 1989;

(3) They are outside the shoreline area when they receive either a building permit or board approval;

(4) They are necessary for or ancillary to continuation of existing agriculture or aquaculture in the shoreline area on June 16, 1989;

(5) They are minor structures permitted under rules adopted by the department which do not affect beach processes or artificially fix the shoreline and do not interfere with public access or public views to and along the shoreline; or

(6) [~~Work~~] The work being done on the structure consists of maintenance, repair, and minor additions or alterations [~~of~~] to legal boating, maritime, or watersports recreational facilities[~~, which~~] that are publicly owned, and [~~which result~~] results in little or no interference with natural shoreline processes;

provided that permitted structures may be repaired, but shall not be enlarged, rebuilt, or replaced within the shoreline area without a variance.

(c) For the purposes of this section, "person" includes any individual, firm, partnership, corporation, association, or other legal entity, including licensed or unlicensed contractors."

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

SECTION 5. This Act shall take effect upon its approval.

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Report Title:
Department of Land and Natural Resources; Public Beaches; Sand Removal; Contractors; Penalties

Description:
Clarifies that the prohibition on the taking or mining of beach or marine deposits, including sand, seaward from the shoreline includes licensed and unlicensed contractors. (SD1)

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