

ACT 281

S.B. NO. 1221

A Bill for an Act Relating to Stormwater Management Systems.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that detention and retention ponds are meant to hold stormwater. However, while detention and retention ponds help manage stormwater and control flooding, mitigating risk for these systems is critical in minimizing threats to public health and safety. Hawaii's high drowning rate, the second worst in the nation for residents and the highest for visitors, necessitates joining other jurisdictions across the United States in developing retention and detention pond safety programs. The urgency is made even greater by climate change, which has resulted in more frequent and intense rainfall, causing an increased use of retention ponds, which are designed to hold water year-round, and detention ponds, which remain dry until a major rain.

The legislature further finds that the Hawai'i Water Safety Plan, which was published by the Hawaii Water Safety Coalition in 2025, provides several recommendations to reduce drowning by improving safety regarding detention and retention ponds in the State.

The purpose of this Act is to ensure the health, safety, and welfare of the citizens of the State by requiring the counties to:

- (1) Regulate the permitting, construction, and maintenance of retention and detention ponds, including establishing safety standards for retention and detention ponds; and
- (2) Conduct a survey of existing retention and detention ponds state-wide and submit a report to the legislature.

This Act also recognizes Charlotte "Sharkey" Schaefer, the five-year-old girl who drowned at a Pearl City naval housing complex while trying to save the life of her childhood friend.

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§46- Retention ponds and detention ponds; safety requirements. (a) This section shall be known and may be cited as “Sharkey’s Law”.

(b) Beginning January 1, 2027, each county shall adopt ordinances for the regulation of all retention ponds and detention ponds located within the county’s jurisdiction. The ordinances adopted pursuant to this subsection shall include but not be limited to:

- (1) Establishing a permitting process for the construction of new retention ponds or detention ponds; and
- (2) Establishing safety requirements, which shall include but not be limited to:
 - (A) Fencing that is at least four feet high that fully encloses the retention pond or detention pond and allows access through one or more secured, locked gates;
 - (B) Safety signage indicating “No Swimming” and warning of sudden water level changes;
 - (C) Installation of life buoys at entry points for emergency rescue;
 - (D) Proper maintenance of ground cover surrounding the retention pond or detention pond, including mowing, weed control, and debris removal; and
 - (E) Submission of maintenance plans by property owners or managers to ensure ongoing safety and compliance.

(c) This section shall not apply to retention ponds and detention ponds built on golf courses, hotels, resort properties, or other secured recreational areas; provided that the entities who own, control, or manage such properties shall provide the counties with proof of sufficient security measures for its retention ponds and detention ponds.

(d) For the purposes of this section:

“Detention pond” means an area that is designed to:

- (1) Hold stormwater until the effects of percolation, evapotranspiration, or controlled release return the area to its normally dry state; and
- (2) Dissipate inflowing stormwater within seventy-two hours to accommodate a new volume of water.

“Retention pond” means a permanent or semi-permanent aquatic system that acts as a trap where pollutants picked up by the initial surge of stormwater settle out before leaving the system.”

SECTION 3. Each county shall conduct a survey of all existing retention and detention ponds located within its jurisdiction and submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2026.

SECTION 4. New statutory material is underscored.¹

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

(Approved July 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.