A BILL FOR AN ACT

RELATING TO COMMERCIAL SHARK TOURS.

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

SECTION 1. The legislature finds that shark boat tours, which began in Hawaii nearly twenty years ago, are increasingly popular with visitors and residents. In recent years, several tour operators have chosen to forsake protective shark cages and encourage customers to swim amongst sharks. In 2019, two separate incidents occurred where one and three persons, respectively, were bitten by sharks off the North Shore of Oahu. All four persons were sent to the emergency room for treatment.

The legislature finds that shark boat tours are presently unregulated and safety measures, such as they are, vary greatly between operators. Sharks have the potential to cause great harm and death to humans. Noting the inherent risks associated with swimming with sharks, and the proliferation of shark tour operations, caged and uncaged, the legislature finds that shark boat tours should be regulated with appropriate codes of conduct, safety standards, and oversight.
The purpose of this Act is to regulate shark boat tour operators, improve public safety, and increase protections of shark within state waters.

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

"§188—Commercial shark tour regulations. (a) No commercial shark tour operator shall engage in the business of providing guided shark tours without first receiving a permit from the department. The department shall adopt rules to regulate commercial shark tour operations by permit which shall include but not be limited to:

(1) A maximum number of commercial shark tour permits available on an annual basis;

(2) Designation of permitted operating sites;

(3) Training for tour guides that shall include advanced first aid and aquatic rescue;

(4) Education for tour guides on shark biology and ecology administered by the University of Hawaii's Hawaii Institute of Marine Biology;
(5) Requirements that at least one employee of the tour operator shall remain on the vessel at all times;

(6) Requirements that all operators shall use shark or diving cages for tours where people enter the water to view sharks; provided that the department may waive this requirement if the operator provides evidence of insurance coverage for cageless shark tours;

(7) Requirements that the certificate of insurance indicates if coverage is for tours that use cages at all times or if the policy covers tours that allow swimming with sharks outside of a cage;

(8) Establishment of a mandatory code of conduct that prohibits the following behaviors:

(A) Night diving in sites identified as habitat critical to the survival of sharks;

(B) Touching or interfering with the natural behavior of sharks;

(C) Use of more than five pounds of bait approved by the Hawaii institute of marine biology, during daylight hours;
(D) Chasing, harassing, or interrupting the swimming patterns of sharks;

(E) Blocking cave entrances or entrapping sharks;

(F) Diving in groups totaling more than eight divers;

(G) Using a mechanical apparatus, including but not limited to scooters, horns, or electronic shark protection devices;

(H) Operation of a commercial tour activity during a small craft advisory; and

(I) Operation of a commercial tour activity during a brown water advisory;

(9) Revocation of a permit based on the failure to comply with permit conditions; and

(10) Annual renewal of permits.

(b) For purposes of this section, "commercial shark tour operator" means any individual, firm, corporation, association, partnership, or any group of persons, whether incorporated or not, which provides shark tour excursions for compensation or other consideration."

SECTION 3. New statutory material is underscored.
SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:
Report Title:
Commercial Shark Tour Operations; Regulations; Code of Conduct; Cage Requirements

Description:
Prohibits commercial shark tour operations from operating without a permit. Requires the department of land and natural resources to adopt rules to regulate commercial shark tours, including dive cage requirements and adherence to a code of conduct.

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