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 commercial shark boat tours, which began in Hawaii nearly twenty years ago, are increasingly popular with visitors and residents. Certain tours allow customers to enter the water and view sharks from shark cages, while other cageless tours allow customers into the water to observe and swim near sharks.

The legislature finds that commercial 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 and safety standards.

The purpose of this Act is to regulate commercial 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 that 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, or equivalent program as determined by the department;
(5) Requirements that at least one employee of the tour operator shall remain on the vessel at all times;
(6) Requirements that operators shall provide evidence of
insurance and maintain coverage that clearly
indemnifies the State against claims resulting from
the shark tour boat operations;

(7) 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) Using more than five pounds of bait or attractant
per day, in a manner approved by the Hawaii
institute of marine biology; provided that no
person shall be in the water when the bait or
attractant is deployed;

(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) Operating a commercial tour activity during a
small craft advisory; and
(H) Operating a commercial tour activity in conditions with less than thirty feet of visibility;

(8) Cageless operators shall have additional best management practices, including but not limited to:

(A) Presenting written policies and safety briefing instructions to all customer-divers before entering the water;

(B) Operating within thirty feet of a dive ladder that is always readily accessible;

(C) Requiring in-water guides to have divemaster certification;

(D) Requiring in-water guides to enter the water first, remain in the water at all times during the dive, enforce safety rules, and always remain closer to customers than the nearest shark; and

(E) Requiring one in-water guide to be in the water for every eight customer-divers in the water;

(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, that provides shark tour excursions for compensation or other consideration."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on January 1, 2021.
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 adherence to a code of conduct. (SD1)

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