
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. The legislature finds that the commercial
2 capture of the State's reef wildlife for sale to the aquarium
3 pet trade is incompatible with living in harmony and balance
4 with nature, respect for the surrounding environment, and the
5 sustainability of our ecosystem. The objectives of commercial
6 trade are contrary to sustainable fishing practices, such as
7 taking only what is needed for subsistence.

8 The legislature further finds that in 1988 the State
9 prohibited the taking of sand, dead coral or coral rubble,
10 rocks, soil, and other marine deposits. Extending prohibitions
11 to encompass the commercial collection and sale of reef wildlife
12 for the aquarium pet trade is now needed to protect the
13 environment and preserve the State's natural resources for the
14 benefit of all Hawaii residents. The legislature recognizes
15 that these obligations to protect the environment are enshrined
16 in the Hawaii State Constitution, specifically in article XI,
17 section 1, conservation, control, and development of resources;



1 article XI, section 9, environmental rights; and article XII,
2 section 7, traditional and customary rights.

3 The purpose of this Act is to prohibit all harvesting of
4 aquatic life for commercial aquarium purposes, regardless of the
5 method of collection. This Act is intended to allow the
6 following practices to continue:

7 (1) Issuance of special activity permits pursuant to
8 section 187A-6, Hawaii Revised Statutes;

9 (2) Issuance of recreational permits for non-commercial
10 capture of aquatic life for aquarium purposes, in
11 accordance with existing laws and decisions regarding
12 compliance with environmental assessments; and

13 (3) Captive-breeding and aquaculture efforts, as regulated
14 by section 187A-3.5, Hawaii Revised Statutes.

15 Nothing in this Act should be construed to prohibit the
16 exercise of traditional and customary practices, the lawful
17 taking of fish for consumption or bait, or the lawful management
18 or taking of aquatic life from fishponds.

19 SECTION 2. Chapter 189, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§189- Harvesting aquatic life for commercial aquarium
2 purposes; prohibition. (a) No person shall harvest aquatic
3 life for commercial aquarium purposes.

4 (b) This section shall not apply to the issuance of a
5 license or permit for activities permitted in sections 187A-3.5
6 and 187A-6; provided that the requirements of those sections are
7 met.

8 (c) For the purposes of this section:

9 "Aquarium purposes" means to hold salt water fish,
10 freshwater nongame fish, or other aquatic life alive in a state
11 of captivity as pets, for scientific study, for public
12 exhibition or display, or for sale.

13 "Commercial" means to take aquatic life for profit or gain
14 or where the aquatic life is sold, offered for sale, possessed
15 with intent to sell, bartered, landed, or transported for sale."

16 SECTION 3. Section 189-11, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§189-11 Receipts in duplicate. Every commercial marine
19 dealer shall issue receipts to the person from whom marine life
20 is obtained and shall provide the following information in the
21 receipt:



- 1 (1) The date of the issuance;
- 2 (2) The name of the person to whom the receipt is issued;
- 3 (3) The following information with respect to each of the
- 4 varieties of marine life as the department shall
- 5 require including:

- 6 (A) The weight in pounds of each of the varieties
- 7 received;

- 8 (B) The numbers of marine life when they average a
- 9 pound or more; and

- 10 (C) The price per pound paid; and

- 11 [~~(D) With regard to aquarium fish, regardless of~~
- 12 ~~weight, the number and species of the fishes,~~
- 13 ~~and]~~

- 14 (4) The signature of the dealer who issues the receipt.

15 Any dealer taking the dealer's own marine life or handling any
16 marine life taken by commercial marine licensees working for or
17 with the dealer, shall make out the same receipt, giving market
18 price for the marine life as prevails on the date of receipt. A
19 duplicate copy of this receipt shall be kept on file at the
20 premise where the marine life was sold by the dealer issuing the
21 same for a period of twelve months from the date of issuance,



1 and the duplicate copy shall be available for inspection upon
2 the demand of any conservation officer authorized to enforce the
3 laws of the State."

4 SECTION 4. Section 188-31.5, Hawaii Revised Statutes, is
5 repealed.

6 ~~["~~§188-31.5~~ Aquarium fish for export, monthly count.~~

7 ~~The department of land and natural resources shall adopt rules~~
8 ~~in accordance with chapter 91 to monitor the aquarium fish catch~~
9 ~~report and fish dealer's report for export of aquarium fish~~
10 ~~taken from the waters of the State for aquarium purposes~~
11 ~~pursuant to section 188-31. A monthly count of the quantities~~
12 ~~taken of each individual species of aquarium fish exported shall~~
13 ~~be reported to the board."]~~

14 SECTION 5. If there is any conflict with section 188-31,
15 Hawaii Revised Statutes, this Act shall supersede that section.

16 SECTION 6. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



1 SECTION 7. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect upon its approval.

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INTRODUCED BY: Tim Wilegus

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Report Title:

Aquatic Life; Harvesting; Commercial Aquarium Purposes

Description:

Prohibits all harvesting of aquatic life for commercial aquarium purposes, regardless of the method of collection.

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