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## A BILL FOR AN ACT

RELATING TO WILDLIFE:

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

1           SECTION 1. The legislature finds that there is broad  
2 consensus that the trafficking of animals threatened with  
3 extinction continues to grow at an alarming pace, threatening an  
4 increasing variety of animal species. These species are  
5 threatened with extinction in large part due to the trafficking  
6 of their parts and products. The National Strategy for  
7 Combating Wildlife Trafficking, released in February 2014,  
8 recognized the important role that states have in protecting  
9 species that are subject to illegal wildlife trade. Federal law  
10 regulates the transfer or importation of parts or products made  
11 from endangered animal species, but because of increasing demand  
12 for these products around the world, state authority needs to be  
13 aligned with federal and international laws to appropriately  
14 regulate these markets on a local level.

15           The legislature finds that in September 2015, the United  
16 States and China announced a cooperative effort to take  
17 comprehensive action to curb wildlife trafficking, stating the



1 "United States and China commit to enact nearly complete bans on  
2 ivory import and export, including significant and timely  
3 restrictions on the import of ivory as hunting trophies, and to  
4 take significant and timely steps to halt the domestic  
5 commercial trade of ivory."

6 The legislature finds that as Hawaii is the host of the  
7 September 2016 World Conservation Congress held by the  
8 International Union for the Conservation of Nature and the  
9 United States, it is important to demonstrate Hawaii's  
10 continuing leadership in global conservation challenges,  
11 international wildlife trafficking, and endangered species  
12 protection.

13 The legislature finds that the most effective way to  
14 discourage illegal trafficking in animal species threatened with  
15 extinction is to eliminate markets and profits. It is in the  
16 public interest to protect animal species threatened with  
17 extinction by prohibiting within the State of Hawaii, with  
18 certain limited exceptions, the sale, offer for sale, purchase,  
19 trade, barter for, and distribution of any part or product of  
20 any species of elephant (Elephantidea), mammoth (Mammuthus),  
21 rhinoceros (Rhinocerotidea), tiger (Pathera tigris), great ape



1 (Hominoidea), Hawaiian monk seal (*Neomonachus schauinslandi*),  
2 shark (Elasmobranchii selachimorpha), ray (Elasmobranchii  
3 batoidea), sea turtle (Chelonioidea), walrus (*Odobenidae*  
4 *odobenus*), narwhal (*Monodon monoceros*), whale (Cetacea),  
5 hippopotamus (*Hippopotamus amphibious*), lion (*Panthera leo*),  
6 pangolin (*Manis*), cheetah (*Acinonyx jubatus*), jaguar (*Panthera*  
7 *onca*), or leopard (*Panthera pardus*) that are identified as  
8 threatened with extinction by specified international  
9 conservation organizations. These animals are the most  
10 trafficked species that are threatened with extinction as  
11 documented by illegal wildlife product seizure data compiled by  
12 TRAFFIC, a program of the World Wildlife Fund and the  
13 International Union for Conservation of Nature, and data  
14 collected by other international conservation organizations.

15 The purpose of this Act is to improve coordination between  
16 state natural resource laws and other government authorities in  
17 accordance with the intent expressed by section 183D-8, Hawaii  
18 Revised Statutes. As other countries and states adopt laws to  
19 protect endangered species, Hawaii needs to ensure that it is  
20 not an attractive market for illegal wildlife trafficking.



1 SECTION 2. Chapter 183D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§183D-A Trafficking of certain wildlife prohibited. (a)  
5 Notwithstanding section 183D-6 to the contrary, no person shall  
6 sell, offer to sell, purchase, trade, barter for, or distribute  
7 any covered animal species part or product from the following  
8 animal species: elephant (Elephantidea), rhinoceros  
9 (Rhinocerotidea), tiger (Pathera tigris), great ape  
10 (Hominoidea), hippopotamus (Hippopotamus amphibious), lion  
11 (Panthera leo), pangolin (Manis), cheetah (Acinonyx jubatus),  
12 jaguar (Panthera onca), or leopard (Panthera pardus).

13 (b) The sale, offer to sell, purchase, trade, barter for,  
14 or distribution of any covered animal species part or product  
15 from the following animal marine species is prohibited: Hawaiian  
16 monk seal (Neomonachus schauinslandi), shark (various  
17 Elasmobranchii selachimorpha), rays (Elasmobranchii batoidea),  
18 sea turtle (Chelonioidea), narwhal (Monodon monoceros), whale  
19 (Cetacea), or walrus (Odobenidae odobenus), insofar as the  
20 species, subspecies, or distinct population segment is listed  
21 on:



- 1        (1) The Convention on International Trade in Endangered  
2        Species of Wild Fauna and Flora, Appendices 1 or 2;
- 3        (2) The International Union for the Conservation of Nature  
4        Red List as vulnerable, endangered, or critically  
5        endangered; or
- 6        (3) The Endangered Species Act as threatened or  
7        endangered.
- 8        (c) The sale, offer to sell, purchase, trade, barter for,  
9        or distribution of any covered animal species part or product  
10       from mammoth (Mammuthus) is prohibited, even though the species  
11       is extinct.
- 12       (d) The following are exempt from the prohibitions of this  
13       section:
- 14       (1) The covered animal species part or product is part of  
15       a bona fide antique; provided that the antique status  
16       of such an antique is established by the owner or  
17       seller with historical documentation evidencing  
18       provenance and showing the antique is not less than  
19       one hundred years old, and the covered animal species  
20       part or product is less than ten per cent by volume of  
21       such an antique;



- 1        (2) The distribution of the covered animal species part or  
2                    product is for a bona fide educational or scientific  
3                    purpose, or to or from a museum;
- 4        (3) The distribution of the covered animal species part or  
5                    product is to a legal beneficiary of an estate, trust,  
6                    or other inheritance, upon the death of the owner of  
7                    the covered animal species part or product;
- 8        (4) The covered animal species part or product is less  
9                    than ten per cent by volume of a musical instrument,  
10                   including string instruments and bows, wind and  
11                   percussion instruments, and pianos, if the owner or  
12                   seller provides historical documentation demonstrating  
13                   provenance and showing the item was manufactured no  
14                   later than 1975;
- 15        (5) The intrastate sale, offer for sale, purchase, trade,  
16                   barter for, or distribution of the covered animal  
17                   species part or product is expressly authorized by  
18                   federal law or permit; or
- 19        (6) Traditional cultural practices that are expressly  
20                   protected under article XII, section 7, of the state  
21                   constitution.



1       (e) There is a presumption of possession with intent to  
2 sell a covered animal species part or product when the part or  
3 product is possessed by a retail or wholesale establishment or  
4 other forum engaged in the business of buying or selling similar  
5 items. The rebuttable presumption shall not preclude a finding  
6 of intent to sell based on any other evidence that may serve to  
7 independently establish such intent."

8       SECTION 3. Section 183D-5, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

10       "(b) Any person violating section 183D-A, 183D-25.5, 183D-  
11 26, 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a  
12 misdemeanor, and upon conviction thereof, shall be punished as  
13 follows:

14       (1) For a first conviction by a mandatory fine of not less  
15 than \$200, or by imprisonment of not more than one  
16 year, or both;

17       (2) For a second conviction within five years of a  
18 previous conviction, by a mandatory fine of not less  
19 than \$1,000, or by imprisonment of not more than one  
20 year, or both, and all firearms used in the commission



1 of the violations shall be considered contraband to be  
2 forfeited to and disposed of by the State; and  
3 (3) For a third or subsequent conviction within five years  
4 of the first two or more convictions, by a mandatory  
5 fine of not less than \$2,000, or by imprisonment of  
6 not more than one year, or both, and all firearms used  
7 in the commission of the violations shall be  
8 considered contraband to be forfeited to and disposed  
9 of by the State."

10 SECTION 4. In codifying the new sections added by section  
11 2 of this Act, the revisor of statutes shall substitute  
12 appropriate section numbers for the letters used in designating  
13 the new sections in this Act.

14 SECTION 5. New statutory material is underscored.

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





1 SECTION 7. This Act shall take effect on December 31,  
2 2016.

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INTRODUCED BY:

*[Handwritten signatures: Ryan, Cindy Evans, [unclear], [unclear], and Karl Rhoads]*

JAN 26 2016



# H.B. NO. 2502

**Report Title:**

Wildlife

**Description:**

Prohibits the trafficking of protected animal species, with limited exceptions.

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

