

JAN 20 2017

---

---

# A BILL FOR AN ACT

RELATING TO AQUARIUM FISH.

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

1           SECTION 1. The legislature finds that Hawaii's reefs are  
2 the world's third-largest source of wildlife for aquarium  
3 hobbyists. Aquarium collection is one cause of the loss of  
4 wildlife that threatens Hawaii's reef environments and imperils  
5 the benefits that these unique ecosystems provide to the State  
6 including economic benefits through the tourism industry,  
7 quality of life for all residents, and sustenance for local  
8 families.

9           The legislature further finds that aquarium industry  
10 primarily targets herbivorous species like the yellow tang. A  
11 decline in herbivorous fish is a known stressor to coral reefs.  
12 Abundant and diverse communities of herbivorous fish are vital  
13 for coral reefs' continuing health and ability to recover from  
14 events like coral bleaching, which has occurred throughout the  
15 State. A lack of herbivorous fish jeopardizes the long-term  
16 stability of these fragile ecosystems.



1           The legislature also finds that reef species captured and  
2 sold as pet animals are subject to cruel and unethical  
3 treatment, including mutilation, puncturing, and confinement,  
4 which are common practices by individuals capturing and selling  
5 these species.

6           The legislature finds that such cruel and unethical  
7 practices are incompatible with Hawaii's local values, and  
8 existing laws do not provide adequate protection from cruel  
9 treatment. Hawaii's animal cruelty laws reflect Hawaiian values  
10 of living in harmony and balance with nature, respect and  
11 responsibility for the surrounding environment, and ethical  
12 treatment of animals.

13           The purpose of this Act is to prohibit the sale of any fish  
14 or other aquatic life, taken under an aquarium fish permit  
15 issued pursuant to section 188-31, that has been subjected to  
16 substantial injury or cruel treatment.

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

20           "§188-        Aquarium fish; substantial injury. (a) No  
21 person shall sell or offer for sale any fish or other aquatic



1 life, taken under an aquarium fish permit issued pursuant to  
2 section 188-31, that has been subjected to substantial injury or  
3 cruel treatment.

4 (b) Any person violating this section or any rule adopted  
5 pursuant to this section shall be guilty of a misdemeanor and  
6 shall be fined:

7 (1) \$500 for a first offense;

8 (2) \$2,000 for a second offense; and

9 (3) \$10,000 for a third or subsequent offense.

10 (c) In addition to any other penalty imposed under this  
11 section, a person violating this section shall be subject to:

12 (1) An administrative fine of not more than \$10,000 for  
13 each specimen of aquarium fish or aquatic life sold or  
14 offered for sale in violation of this section; and

15 (2) Assessment of administrative fees and costs and  
16 attorney's fees and costs.

17 (d) The criminal penalties and administrative fines and  
18 costs shall be assessed per specimen of aquarium fish or aquatic  
19 life sold or offered for sale in violation of this section.

20 (e) As used in this section:



1       "Cruel treatment" means behavior that may result in  
2 substantial injury to the aquarium fish or aquatic life,  
3 including but not limited to:

4       (1) Surfacing at a rate resulting in physical damage to  
5 the body tissue;

6       (2) Piercing or deflating the swim bladder;

7       (3) Cutting the fin or spine;

8       (4) Withholding food for more than twenty-four hours; or

9       (5) Holding fish or aquatic life in less than one gallon  
10 of water, per each specimen, within any container.

11       "Substantial injury" means bodily injury that creates a  
12 substantial risk of death or that causes serious, permanent  
13 disfigurement, or protracted loss or impairment of the function  
14 of any bodily member or organ."

15       SECTION 3. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18       SECTION 4. New statutory material is underscored.

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

20

INTRODUCED BY:

Russell H. Baker  
*[Signature]*



S.B. NO. 220

Marnie Jones  
Will Egan  
Abe Gabbard

Richard



# S.B. NO. 220

**Report Title:**

Aquarium Fish; Substantial Injury; Penalties

**Description:**

Prohibits the selling or offering for sale any fish or aquatic life taken under an aquarium fish permit subjected to substantial injury or cruel treatment.

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

