
A BILL FOR AN ACT

RELATING TO MARINE AQUARIUM FISHING.

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

1 SECTION 1. The legislature finds that kanaka maoli values
2 such as living in harmony and balance with nature, mālama ‘āina,
3 kuleana for the surrounding environment, the concept of aloha
4 ‘āina, and other Native Hawaiian traditional and customary
5 gathering rights and cultural practices are the foundation of
6 the constitution of the State of Hawaii's mandates related to
7 the conservation and management of natural resources. The
8 commercial aquarium trade is contrary to these native Hawaiian
9 values, traditional and customary gathering rights, and other
10 cultural practices.

11 The purpose of this Act is to prohibit all commercial
12 capture of aquatic life for aquarium purposes, regardless of the
13 method of collection, effective March 1, 2024.

14 This Act is intended to allow the following practices to
15 continue:

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



1 (2) Issuance of recreational permits for non-commercial
2 capture of aquatic life for aquarium purposes, in
3 accordance with existing laws and rulings regarding
4 compliance with the Hawaii Environmental Policy Act;
5 and

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

8 Nothing in this Act should be construed to prohibit the
9 exercise of traditional and customary practices, the lawful
10 taking of fish for consumption or bait, or lawful management or
11 taking of aquatic life from fishponds.

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

15 "§189- Harvesting aquatic life for commercial aquarium
16 purposes; prohibition; definitions. (a) No person shall
17 harvest aquatic life for commercial aquarium purposes effective
18 March 1, 2024.

19 (b) This section shall not apply to the issuance of a
20 license or permit for activities permitted in sections 187A-3.5



1 and 187A-6; provided that the requirements of those sections are
2 met.

3 (c) For the purposes of this section:

4 "Aquarium purposes" means to hold salt water fish,
5 freshwater nongame fish, or other aquatic life alive in a state
6 of captivity as pets, for public exhibition or display, or for
7 sale for these purposes.

8 "Aquatic life" means any type or species of mammal, fish,
9 amphibian, reptile, mollusk, crustacean, arthropod,
10 invertebrate, coral, or other animal that inhabits the
11 freshwater or marine environment and includes any part, product,
12 egg, or offspring thereof; or marine plants, including seeds,
13 roots, products, and other parts thereof.

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

17 "Harvest" means the taking and retaining of aquatic life by
18 any means whatsoever."

19 SECTION 3. If there is any conflict with section 188-31,
20 Hawaii Revised Statutes, this Act shall supersede.



1 SECTION 4. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 5. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on March 15, 2094.



Report Title:

Marine Aquarium Fishing; Commercial Aquarium Fishing Prohibition

Description:

Prohibits harvesting aquatic life for commercial aquarium purposes by any means effective 3/1/2024. Excludes activities pursuant to special activity permits and aquaculturist licenses. Takes effect 3/15/2024. (SD2)

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

