
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. Chapter 189, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§189- Harvesting aquatic life for commercial aquarium
5 purposes; prohibition. (a) No person shall harvest aquatic
6 life within the waters of the State of Hawaii for commercial
7 aquarium purposes.

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

12 (c) For the purposes of this section:

13 "Aquarium purposes" means to hold salt water fish,
14 freshwater nongame fish, or other aquatic life alive in a state
15 of captivity as pets, for scientific study, for public
16 exhibition or display, or for sale for these purposes.



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

4 SECTION 2. Section 189-11, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§189-11 Receipts in duplicate.** Every commercial marine
7 dealer shall issue receipts to the person from whom marine life
8 is obtained and shall provide the following information in the
9 receipt:

- 10 (1) The date of the issuance;
- 11 (2) The name of the person to whom the receipt is issued;
- 12 (3) The following information with respect to each of the
13 varieties of marine life as the department shall
14 require including:
- 15 (A) The weight in pounds of each of the varieties
16 received;
- 17 (B) The numbers of marine life when they average a
18 pound or more; and
- 19 (C) The price per pound paid; and



1 ~~pursuant to section 188-31. A monthly count of the quantities~~
2 ~~taken of each individual species of aquarium fish exported shall~~
3 ~~be reported to the board."]~~

4 SECTION 4. Nothing in this Act shall be construed to
5 prohibit the exercise of traditional and customary practices,
6 the lawful taking of fish for consumption or bait, or the lawful
7 management or taking of aquatic life from fishponds.

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

10 SECTION 6. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 7. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 8. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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H.B. NO. 2362

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

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INTRODUCED BY: Sam Bir

JAN 26 2022



H.B. NO. 2362

Report Title:

Aquatic Life; Harvesting; Commercial Aquarium Purposes

Description:

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

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

