

JAN 20 2023

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 coral reefs are
2 immeasurably important to Hawaii's people, environment, and way
3 of life. A study commissioned by the National Oceanic and
4 Atmospheric Administration calculated the total economic value
5 of Hawaiian coral reef ecosystems at \$33,570,000,000.

6 The legislature also finds it necessary to take action to
7 protect Hawaii's valuable reefs from the catastrophic effects of
8 climate change, which are forecasted to cause the loss of
9 seventy per cent of Hawaii's coral reefs over the next twenty
10 five years. Herbivore fish are algae-eating fishes that protect
11 coral reefs from harmful algal overgrowth due to climate change
12 and other human-instigated causes. They are important fishes
13 for Hawaii's reefs and also for Hawaii's fishers, which rely on
14 them as food for their families.

15 The legislature further finds that the commercial aquarium
16 pet trade has taken millions of herbivore fishes and other
17 important animals from Hawaii's reefs for pet stores and



1 hobbyist tanks on the U.S. mainland, which has substantially
2 reduced species diversity, abundance, and biomass. The aquarium
3 pet trade has removed some herbivorous fish species by upwards
4 of eighty per cent of their population in many areas, directly
5 impacting food fishers and leading to the potential extinction
6 of some fish species. Further, the department of land and
7 natural resources estimates it costs taxpayers upwards of
8 \$500,000 every year to manage the aquarium pet trade, yet the
9 trade annually generates less than \$25,000 in revenue for the
10 State.

11 Prohibiting the commercial collection of reef wildlife for
12 the aquarium pet trade is also consistent with other state laws,
13 such as the 1988 prohibition on the taking of sand, rocks, soil,
14 and other marine deposits and certain types of live rock and
15 coral, all of which are necessary to protect the environment and
16 preserve the State's natural resources held in the public trust
17 for the benefit of all Hawaii's people. The legislature
18 recognizes that these obligations to protect the environment are
19 enshrined in the Hawaii State Constitution, specifically in
20 article XI, section 1, conservation, control and development of



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

3 The purpose of this Act is to prohibit the 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 SECTION 2. Chapter 189, Hawaii Revised Statutes, is
16 amended by adding a new section to part I to be appropriately
17 designated and to read as follows:

18 "§189- Harvesting aquatic life for commercial aquarium
19 purposes; prohibition. (a) No person shall harvest aquatic
20 life for commercial aquarium purposes.



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

5 (c) For the purposes of this section:

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

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

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

15 "**§189-11 Receipts in duplicate.** Every commercial marine
16 dealer shall issue receipts to the person from whom marine life
17 is obtained and shall provide the following information in the
18 receipt:

- 19 (1) The date of the issuance;
- 20 (2) The name of the person to whom the receipt is issued;



1 (3) The following information with respect to each of the
2 varieties of marine life as the department shall
3 require including:

4 (A) The weight in pounds of each of the varieties
5 received;

6 (B) The numbers of marine life when they average a
7 pound or more; and

8 (C) The price per pound paid; and

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

12 (4) The signature of the dealer who issues the receipt.
13 Any dealer taking the dealer's own marine life or handling any
14 marine life taken by commercial marine licensees working for or
15 with the dealer, shall make out the same receipt, giving market
16 price for the marine life as prevails on the date of receipt. A
17 duplicate copy of this receipt shall be kept on file at the
18 premise where the marine life was sold by the dealer issuing the
19 same for a period of twelve months from the date of issuance,
20 and the duplicate copy shall be available for inspection upon



1 the demand of any conservation officer authorized to enforce the
2 laws of the State."

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

5 ~~["§188-31.5] Aquarium fish for export; monthly count.~~

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

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

17 SECTION 6. If there is any conflict with section 188-31,
18 Hawaii Revised Statutes, this Act shall supersede that section.

19 SECTION 7. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or



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1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 8. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 9. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 10. This Act shall take effect upon its approval.

10

INTRODUCED BY:





S.B. NO. 505

Report Title:

Aquatic Life; Harvesting; Commercial Aquarium Purposes

Description:

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

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