

JAN 15 2025

A BILL FOR AN ACT

RELATING TO AQUARIUM FISH PERMITS.

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

1 SECTION 1. The legislature finds that there is a
2 fundamental difference between "aquarium purposes" as defined in
3 section 188-31, Hawaii Revised Statutes, and aquaculture
4 research. The legislature further finds that aquaculture in
5 Hawaii is a burgeoning local industry that will help the State
6 achieve its food sustainability goals. However, the aquaculture
7 industry in Hawaii may be limited by the definition of "aquarium
8 purposes" because it unnecessarily requires individuals and
9 organizations engaged in aquaculture research to acquire an
10 aquarium fish permit. The legislature also finds that the
11 ruling of *Umberger v. Department of Land and Natural Resources*
12 further complicated the definition of "aquarium purposes",
13 hampering Hawaii's aquaculture industry.

14 Accordingly, the purpose of this Act is to support Hawaii's
15 aquaculture industry by:

16 (1) Exempting aquaculture research from section 188-31,
17 Hawaii Revised Statutes;



- 1 (2) Amending the definition of "aquarium purposes"; and
- 2 (3) Defining "aquaculture research".

3 SECTION 2. Section 188-31, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§188-31 Permits to take aquatic life for aquarium**
6 **purposes.** (a) Except as prohibited by law, the department,
7 upon receipt of a written application, may issue an aquarium
8 fish permit, not longer than one year in duration, to use fine
9 meshed traps, or fine meshed nets other than throw nets, for the
10 taking of marine or freshwater nongame fish and other aquatic
11 life for aquarium purposes.

12 (b) Except as prohibited by law, the permits shall be
13 issued only to persons who can satisfy the department that they
14 possess facilities to and can maintain fish and other aquatic
15 life alive and in reasonable health.

16 (c) It shall be illegal to sell or offer for sale any fish
17 and other aquatic life taken under an aquarium fish permit
18 unless those fish and other aquatic life are sold alive for
19 aquarium purposes.

20 The department may adopt rules pursuant to chapter 91 for
21 the purpose of this section.



1 (d) For the purposes of this section:

2 (1) "Aquarium purposes" means to hold salt water fish,
3 freshwater nongame fish, or other aquatic life alive
4 in a state of captivity as pets, [~~for scientific~~
5 ~~study, or~~] for public exhibition or display, or for
6 sale for these purposes; and

7 (2) "Aquarium fish permit" means a permit issued by the
8 board for the use of fine mesh nets and traps to take
9 salt water fish, freshwater nongame fish, or other
10 aquatic life for aquarium purposes.

11 (e) This section shall not apply to activities conducted
12 for aquaculture research. Aquaculture research activities shall
13 be conducted in accordance with applicable rules adopted by the
14 department.

15 For the purposes of this subsection, "aquaculture research"
16 means the cultivation of and experimentation with aquatic
17 organisms in a controlled environment for scientific,
18 educational, or conservation purposes, including but not limited
19 to breeding, growth, and health studies. "Aquaculture research"
20 does not include activities conducted for the commercial sale or
21 public exhibition of aquatic life."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Samuel Hodge*



S.B. NO. 16

Report Title:

Aquaculture; Aquarium Fish Permit; Aquaculture Research

Description:

Exempts persons engaging in aquaculture research from the aquarium fish permit requirement. Defines aquaculture research.

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