
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
10 twenty-five years. Herbivore fish are algae-eating fishes that
11 protect coral reefs from harmful algal overgrowth due to climate
12 change and other human-instigated causes. They are important
13 fish for Hawaii's reefs and also for Hawaii's fishers, who rely
14 on them as food for their families.

15 The legislature further finds that the commercial aquarium
16 pet trade has taken millions of herbivores and other important
17 fish from Hawaii's reefs for pet stores and hobbyist tanks



1 across the continental United States and beyond, which has
2 substantially reduced species diversity, abundance, and biomass.
3 The aquarium pet trade has removed some herbivorous species by
4 upwards of eighty per cent of their population in many areas,
5 and despite the removal of collection pressure in late 2017, the
6 most heavily collected species, the yellow tang, has failed to
7 recover as biologically and historically expected, raising
8 concerns about the current health of Hawaii's reefs and their
9 long-term ability to continue to support food fishers and all
10 others who rely upon them in myriad ways. Further, the cost of
11 managing and enforcing the aquarium pet trade effectively
12 exceeds the economic benefit of the industry to the state.

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



1 article XI, section 1, conservation, control, and development of
2 resources; article XI, section 9, environmental rights; and
3 article XII, section 7, traditional and customary rights.

4 Accordingly, the purpose of this Act is to prohibit the
5 collection of aquatic life for commercial aquarium purposes,
6 regardless of the method of collection, while allowing the
7 following practices to continue:

- 8 (1) The issuance of special activity permits pursuant to
9 section 187A-6, Hawaii Revised Statutes;
- 10 (2) The issuance of recreational permits for the
11 non-commercial capture of aquatic life for aquarium
12 purposes, in accordance with existing laws and rules
13 regarding compliance with environmental assessments;
14 and
- 15 (3) Captive-breeding and aquaculture efforts, as regulated
16 by section 187A-3.5, Hawaii Revised Statutes.

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



1 **"\$189- Harvesting aquatic life for commercial aquarium**2 **purposes; prohibition.** (a) No person shall harvest aquatic
3 life for commercial aquarium purposes.4 (b) This section shall not apply to the issuance of a
5 license or permit for activities permitted under sections
6 187A-3.5 and 187A-6; provided that the requirements of those
7 sections are met.8 (c) For the purposes of this section:9 "Aquarium purposes" means to hold saltwater fish,
10 freshwater nongame fish, or other aquatic life alive in a state
11 of captivity or display, or for sale for these purposes.12 "Commercial" means to take aquatic life for profit or gain,
13 or where the aquatic life is sold, offered for sale, possessed
14 with intent to sell, bartered, landed, or transported for sale."15 SECTION 3. Section 189-11, Hawaii Revised Statutes, is
16 amended to read as follows:17 **"\$189-11 Receipts in duplicate.** Every commercial marine
18 dealer shall issue receipts to the person from whom marine life
19 is obtained and shall provide the following information in the
20 receipt:

21 (1) The date of the issuance;





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 ~~["[S188-31.5] 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 protected under article XII, section 7 of the Constitution of
16 the State of Hawaii, the lawful taking of fish for consumption
17 or bait, or the lawful management or taking of aquatic life from
18 fishponds.

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



1 SECTION 7. 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 8. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 9. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13

INTRODUCED BY: 



S.B. NO. 2996

Report Title:

Aquatic Life; Aquarium Fish; Harvesting; Commercial Aquarium Purposes; Prohibition

Description:

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

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