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# A BILL FOR AN ACT

RELATING TO AQUACULTURE.

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

1           SECTION 1. The legislature finds that Hawaii's aquaculture  
2 industry serves critical functions for food security, rural  
3 economic development, and environmental stewardship.  
4 Restorative aquaculture practices, such as seaweed cultivation,  
5 bivalve restoration, and integrated multi-trophic systems, also  
6 provide measurable benefits to the State, including improved  
7 water quality, carbon sequestration, and the recovery of native  
8 species.

9           The legislature further finds that the importation and  
10 movement of aquatic livestock within the State pose documented  
11 biosecurity risks, including the potential establishment of  
12 feral populations, the introduction of novel pathogens affecting  
13 endemic species, and disease transmission to wild stocks and  
14 adjacent aquaculture operations. Current regulatory frameworks  
15 for aquatic livestock assessment are fragmented across multiple  
16 agencies with overlapping and sometimes conflicting



1 jurisdictions, resulting in permitting delays, regulatory  
2 ambiguity, and insufficient risk-based prioritization.

3       The legislature acknowledges that international best  
4 practices and federal standards employ biological aquatic risk-  
5 based frameworks that categorize species by the probability and  
6 consequences of establishment, which enables efficient  
7 permitting while maintaining biosecurity safeguards. The  
8 legislature believes that a similar coordinated, science-based  
9 framework for aquatic livestock assessment that incorporates  
10 risk-based categorization, biocontainment standards, pre-arrival  
11 disease testing, and interagency coordination will help  
12 accelerate responsible aquaculture expansion while protecting  
13 Hawaii's unique endemic species and wild populations.

14       The legislature also finds that Act 151, Session Laws of  
15 Hawaii 2019, mandates the doubling of local food production by  
16 2030. Meeting this mandate requires expanding sustainable  
17 aquaculture as a cornerstone strategy, contingent upon  
18 regulatory modernization that balances production incentives  
19 with biosecurity protection. The legislature believes that this  
20 regulatory modernization should align with the Hawaii  
21 aquaculture development program's broader strategic objectives,



1 support for Native Hawaiian cultural practices, and access to  
2 federal funding.

3 Accordingly, the purpose of this Act is to establish and  
4 implement a biological aquatic risk-based framework for the  
5 assessment and approval of aquatic livestock importation and  
6 movement, including the development of:

- 7 (1) Biocontainment standards;
- 8 (2) Interagency coordination mechanisms; and
- 9 (3) Performance accountability to simultaneously advance  
10 food security and biosecurity objectives.

11 SECTION 2. Chapter 141, Hawaii Revised Statutes, is  
12 amended as follows:

13 1. By designating sections 141-51 through 141-59 as  
14 subpart A and inserting a title before section 141-51 to read:

15 "A. Aquaculture Program"

16 2. By adding a new subpart to part IV to be designated as  
17 subpart B and to read:

18 "B. Aquaculture Biosecurity

19 **§141- Definitions.** As used in this subpart:

20 "Aquaculture" has the same meaning as in section 141-51.



1 "Aquatic livestock" means various species of domestic and  
2 non-domestic fish, crustaceans, and mollusks, including finfish  
3 and shellfish varieties, that are propagated and raised for  
4 food, restorative activities, ornamental purposes, or similar  
5 commercial purposes. "Aquatic livestock" includes native  
6 Hawaiian species used for subsistence, cultural, or restoration  
7 purposes. "Aquatic livestock" does not include wild-caught  
8 organisms unless the organisms are held in aquaculture  
9 facilities for breeding or hatchery purposes.

10 "Biocontainment" means the integration of methods,  
11 procedures, facility features, and containment or safety  
12 equipment designed to prevent the release of aquatic livestock,  
13 infectious agents, and associated pathogens into the  
14 environment. "Biocontainment" includes:

- 15 (1) Physical containment structures such as tanks,  
16 raceways, and net enclosures, with overflow screens,  
17 drain covers, and emergency redundancy systems;
- 18 (2) Operational procedures, including stock inventory  
19 verification, escape response protocols, and regular  
20 facility maintenance and inspection;



- 1 (3) Disease surveillance and quarantine protocols within  
2 facilities;
- 3 (4) Sterilization procedures for effluent or recirculated  
4 water, where applicable; and
- 5 (5) Preventative measures to avoid escapement during feed  
6 delivery, cleaning, harvesting, and emergency  
7 situations.

8 "Biological aquatic risk" means the combination of the  
9 consequences of an event and the associated likelihood of its  
10 occurrence, where biological material is the source of harm,  
11 including from escaped aquatic livestock species, associated  
12 pathogens, disease organisms, or invasive characteristics.

13 "Department" means the department of agriculture and  
14 biosecurity.

15 "Division" means the division of animal industry of the  
16 department of agriculture and biosecurity.

17 **§141- Aquatic livestock; import assessment and approval**  
18 **process.** (a) The division shall develop and implement a  
19 biological aquatic risk-based assessment and approval process  
20 for the importation and movement of aquatic livestock within the  
21 State. The process shall:



- 1 (1) Be based on the biological aquatic risk-based  
2 framework developed pursuant to section 141-52;
- 3 (2) Include pre-arrival disease testing requirements  
4 consistent with standards established by the United  
5 States Department of Agriculture and National Oceanic  
6 and Atmospheric Administration;
- 7 (3) Require entry inspections at ports of entry or  
8 designated facilities, which shall include, at a  
9 minimum, health certifications, species  
10 identification, and initial containment verification;
- 11 (4) Include post-arrival inspection and quarantine  
12 protocols aligned with the assessed risk level;
- 13 (5) Require quarantine or depopulation of any aquatic  
14 animals as necessary, based on risk assessment or  
15 detection of disease or pathogenic organisms; and
- 16 (6) Establish interagency coordination procedures,  
17 timelines, and lead agency designation to ensure  
18 compliance with section 91-13.5 for automatic permit  
19 approval requirements.



1 (b) The department may adopt, amend, or repeal rules  
2 pursuant to chapter 91 as necessary to develop and implement the  
3 biological aquatic risk-based assessment and approval process.

4 **§141- Permit tracking and reporting.** The division  
5 shall establish and maintain a permit tracking system  
6 documenting all aquatic livestock import and movement  
7 applications. The tracking system shall include:

8 (1) The application receipt date, applicant identity, and  
9 the aquatic livestock species;

10 (2) The biological aquatic risk categorization assigned;

11 (3) Participating agency review periods and decision  
12 dates;

13 (4) A determination of approval, conditional approval, or  
14 denial;

15 (5) Processing time from initial application to final  
16 determination; and

17 (6) A system for providing reports quarterly to the  
18 department and applicable interagency partners that  
19 evaluate processing performance and permit approval  
20 rates.



1           **§141- Interagency coordination; working group.** (a)

2 There is established within the department an interagency  
3 working group.

4           (b) The interagency working group shall comprise the  
5 following members or their designees:

6           (1) The administrator of the division of animal industry  
7 of the department of agriculture and biosecurity, who  
8 shall serve as chair;

9           (2) The administrator of the division of aquatic resources  
10 of the department of land and natural resources;

11           (3) The deputy director of the department of health's  
12 environmental health administration;

13           (4) The chairperson of the board of land and natural  
14 resources;

15           (5) The director of the office of planning and sustainable  
16 development; and

17           (6) The director of the department of planning and  
18 permitting, or department of planning, for each  
19 county.

20           (c) The working group shall:



- 1 (1) Meet quarterly or as necessary to review pending  
2 permit applications and processing timelines;
- 3 (2) Develop and implement interagency memoranda of  
4 understanding to establish lead agency  
5 responsibilities, processing timelines, and dispute  
6 resolution procedures;
- 7 (3) Ensure that all participating agencies comply with the  
8 automatic permit approval provisions of section  
9 91-13.5;
- 10 (4) Identify any regulatory conflicts or statutory gaps  
11 impeding aquaculture development and provide any  
12 recommendations to the legislature; and
- 13 (5) Submit to the legislature an annual report on  
14 coordination outcomes and permit processing  
15 performance no later than twenty days prior to the  
16 convening of each regular session.

17 **§141- Performance metrics.** The division shall  
18 establish, implement, and track the following performance  
19 metrics:

- 20 (1) Permit processing efficiency:



- 1 (A) By July 1, 2028, reduce the average aquatic  
2 livestock import permit processing time to reach  
3 a target of twelve to fifteen months;
- 4 (B) Achieve one hundred per cent compliance with  
5 section 91-13.5; and
- 6 (C) Reduce permit denials through early risk  
7 identification;
- 8 (2) Framework effectiveness:
- 9 (A) By June 30, 2028, complete species risk  
10 categorization for priority aquaculture species;
- 11 (B) Achieve zero documented escapement incidents from  
12 certified biocontainment facilities; and
- 13 (C) Conduct annual species recategorization reviews  
14 based on peer-reviewed research;
- 15 (3) Stakeholder satisfaction:
- 16 (A) Conduct annual surveys of permit applicants with  
17 target satisfaction scores;
- 18 (B) Hold quarterly interagency working group  
19 meetings; and
- 20 (C) Facilitate annual stakeholder forums; and
- 21 (4) Environmental outcomes:



- 1 (A) Document zero establishment of unintended feral
- 2 populations from permitted operations;
- 3 (B) Maintain baseline monitoring of endemic species;
- 4 and
- 5 (C) Support restoration aquaculture operations
- 6 demonstrating measurable environmental benefits."

7 SECTION 3. Section 141-51, Hawaii Revised Statutes, is  
 8 amended to read as follows:

9 **"§141-51 Definitions.** As used in this [~~part~~] subpart:

10 "Aquaculture" means any form of agriculture devoted to the  
 11 propagation, cultivation, maintenance, and harvesting of aquatic  
 12 plants and animals in marine, brackish, and fresh water. The  
 13 term "aquaculture" does not include species of ornamental marine  
 14 or freshwater plants and animals that are not utilized for human  
 15 consumption or bait purposes and that are maintained in closed  
 16 systems for personal, pet industry, or hobby purposes.

17 "Chairperson" means the chairperson of the board of  
 18 agriculture and biosecurity.

19 "Department" means the department of agriculture and  
 20 biosecurity.



1 "Indigenous species" means any aquatic life, wildlife, or  
2 land plant species growing or living naturally in Hawaii without  
3 having been brought to Hawaii by humans.

4 "Person" means any natural person or any partnership,  
5 corporation, limited liability company, trust, or other type of  
6 association."

7 SECTION 4. Section 141-52, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) There is established within the department an  
10 aquaculture program that shall:

- 11 (1) Monitor actions taken by industry and by federal,  
12 state, county, and private agencies in activities  
13 relating to aquaculture, and promote and support  
14 worthwhile aquaculture activities[+] that advance food  
15 security, environmental restoration, cultural  
16 perpetuation, and economic development objectives;
- 17 (2) Serve as an information clearinghouse for aquaculture  
18 activities[+], including permitting requirements,  
19 species-specific guidance, and technical assistance  
20 resources;



- 1 (3) Coordinate development projects to investigate and  
2 solve biological and technical problems involved in  
3 raising selected species with commercial [~~potential~~],  
4 nutritional, restorative, or cultural value;
- 5 (4) Actively seek federal funding for aquaculture  
6 activities[~~+~~], including competitive grants under the  
7 federal Marine Aquaculture Research for America Act  
8 and related federal programs;
- 9 (5) Undertake activities required to develop and expand  
10 the aquaculture industry[~~+~~and], including:
- 11 (A) Developing a comprehensive biological aquatic  
12 risk-based framework for an assessment and  
13 approval process for aquatic livestock that:
- 14 (i) Categorizes aquatic livestock species based  
15 on the probability and consequences of the  
16 establishment of a feral, self-sustaining  
17 population;
- 18 (ii) Establishes hierarchical risk categories  
19 with corresponding approval timelines and  
20 biocontainment requirements;



- 1            (iii) Incorporates species-specific risk criteria,
- 2                    including native status, invasive
- 3                    characteristics, pathogenic load, and
- 4                    ecological impacts;
- 5            (iv) Includes provisions for recategorization
- 6                    based on new scientific evidence or
- 7                    documentation of ecosystem impacts;
- 8            (v) Requires a written risk assessment rationale
- 9                    for each species categorization; and
- 10           (vi) Is updated annually based on peer-reviewed
- 11                    research, industry experience, and
- 12                    interagency input; and
- 13           (B) Developing comprehensive biocontainment standards
- 14                    that establish physical, operational, and
- 15                    monitoring requirements, including:
- 16                    (i) Facility design specifications appropriate
- 17                    to containment risks and species
- 18                    characteristics;
- 19            (ii) Operational protocols for stock management,
- 20                    biosecurity, and emergency response;



- 1                    (iii) Monitoring and inspection procedures,  
2                    including frequency and verification  
3                    protocols;
- 4                    (iv) Documentation and recordkeeping  
5                    requirements;
- 6                    (v) Periodic third-party certification of  
7                    self-certification regimes appropriate to  
8                    risk level; and
- 9                    (vi) Escalation procedures for biocontainment  
10                   failures or suspected escapement; and
- 11                (6) Perform other functions and activities that may be  
12                assigned by law."

13                SECTION 5. Section 161-6, Hawaii Revised Statutes, is  
14 amended to read as follows:

15                "**§161-6 Division of animal industry.** The division of  
16 animal industry of the department of agriculture and biosecurity  
17 shall administer this chapter subject to the supervision of the  
18 board. The board may delegate any of its powers under this  
19 chapter, except the power to make rules and regulations[7] and  
20 the development and implementation of a biological aquatic risk-  
21 based framework and biocontainment standards under part IV,



1 subpart B of chapter 141, or may direct any of its duties to be  
2 performed by any appropriate agents, officers, or employees of  
3 the board.

4 The board may employ on a full or part-time basis  
5 veterinarians and poultry inspectors, subject to chapter 76, to  
6 carry out a uniform inspection system of poultry or poultry  
7 products throughout the State. All poultry inspectors shall be  
8 under the supervision and control of a veterinarian employed by  
9 the board."

10 SECTION 6. (a) In collaboration with the interagency  
11 working group established under section 2 of this Act, the  
12 division of animal industry of the department of agriculture and  
13 biosecurity shall develop the biological aquatic risk-based  
14 framework and biocontainment standards pursuant to section 2 of  
15 this Act within eighteen months of the effective date of this  
16 Act; provided that the following timeline shall be adhered to:

17 (1) Months one through three, initial research phase:  
18 Commission a comprehensive literature review examining  
19 applicable:

20 (A) United States Department of Agriculture  
21 standards;



- 1 (B) National Oceanic and Atmospheric Administration  
2 protocols;
- 3 (C) International best practices; and  
4 (D) Hawaii-specific risk assessments;
- 5 (2) Months four through twelve, framework development  
6 phase:
- 7 (A) Develop species-specific risk assessment  
8 matrices;
- 9 (B) Establish risk categorization thresholds;  
10 (C) Develop tiered biocontainment standards; and  
11 (D) Publish a draft framework document and accept  
12 oral and written public comments for at least  
13 sixty days, and convene at least six public  
14 hearings during the sixty-day period; and
- 15 (3) Months thirteen through eighteen, finalization phase:
- 16 (A) Incorporate public comments received pursuant to  
17 paragraph (2);
- 18 (B) Finalize species categorizations;  
19 (C) Adopt applicable rules pursuant to chapter 91,  
20 Hawaii Revised Statutes;
- 21 (D) Develop inspector training programs;



1 (E) Establish permit application procedures; and

2 (F) Implement an electronic permit tracking system.

3 (b) The framework development process under subsection (a)  
4 shall address alignment with:

5 (1) Chapter 195D, Hawaii Revised Statutes;

6 (2) Section 91-13.5, Hawaii Revised Statutes;

7 (3) Applicable federal requirements; and

8 (4) Integration with the Hawaii aquaculture program

9 pursuant to section 141-52, Hawaii Revised Statutes.

10 SECTION 7. The department of agriculture and biosecurity  
11 shall submit a report to the legislature no later than twenty  
12 days prior to the convening of the regular session of 2027, and  
13 annually thereafter, detailing:

14 (1) Framework development progress and species  
15 categorizations completed;

16 (2) Permit processing statistics and compliance with  
17 statutory timelines;

18 (3) Biocontainment facility certifications and inspection  
19 findings;

20 (4) Any interagency coordination achievements and  
21 regulatory conflicts identified;



- 1 (5) Escapement incidents, disease detections, or adverse
- 2 events;
- 3 (6) Stakeholder feedback and satisfaction metrics;
- 4 (7) Updated species risk categorizations and the
- 5 scientific basis for any changes;
- 6 (8) Linkage to broader Hawaii aquaculture program
- 7 objectives; and
- 8 (9) Any recommendations for statutory or administrative
- 9 modifications.

10 SECTION 8. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$ or so  
12 much thereof as may be necessary for fiscal year 2026-2027 for  
13 the division of animal industry of the department of agriculture  
14 and biosecurity to:

- 15 (1) Implement framework-based permitting operations;
- 16 (2) Conduct annual framework updates;
- 17 (3) Perform inspections and biocontainment verification;
- 18 and
- 19 (4) Maintain interagency coordination activities.

20 The sum appropriated shall be expended by the department of  
21 agriculture and biosecurity for the purposes of this Act.



1 SECTION 9. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect on July 1, 3000;  
4 provided that section 7 shall be repealed on June 30, 2030.



**Report Title:**

DAB; Animal Industry Division; Aquaculture; Biosecurity; Biocontainment Standards; Biological Aquatic Risk-Based Framework; Interagency Coordination; Permitting; Appropriation

**Description:**

Requires the establishment of a biological aquatic risk-based framework for assessment and approval of aquatic livestock importation and movement. Authorizes the Division of Animal Industry of the Department of Agriculture and Biosecurity to adopt rules implementing species risk categorization, tiered biocontainment standards, per-arrival disease testing, and interagency coordination procedures. Establishes an interagency working group. Requires development of species-specific risk matrices, interagency working group coordination with automatic permit approval timelines, and performance accountability. Establishes an implementation timeline. Appropriates funds. Effective 7/1/3000. (HD2)

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

