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# A BILL FOR AN ACT

RELATING TO COMMERCIAL AQUARIUM COLLECTION.

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

1           SECTION 1. The legislature finds that the capture and sale  
2 of Hawaii's native reef wildlife for ornamental display and  
3 commercial profit are unsustainable and contrary to Hawaiian  
4 values, including malama aina, aloha aina, kuleana for the  
5 surrounding environment, and pono fishing practices, such as  
6 taking only what is needed for family or community subsistence.

7           The legislature further finds that the 1953 territorial  
8 legislature, in enacting legislation to permit commercial  
9 aquarium fish collection using fine-meshed nets, currently  
10 codified in section 188-31, Hawaii Revised Statutes, ignored,  
11 disregarded, and effectively nullified the many traditional uses  
12 of Hawaiian reef fish by falsely stating that fish taken for  
13 aquarium display have "little or no value as food fish," and  
14 that "the species of fish for aquarium purposes is not edible".

15           The legislature recognizes that many species of fish  
16 targeted by aquarium collection, including lauipala (yellow  
17 tang) and kole (goldring surgeonfish), have in fact been used



1 for subsistence and cultural purposes and have been critical to  
2 maintaining healthy reef ecosystems to support these purposes  
3 since time immemorial, up to and including the present day.

4 The legislature also finds that climate change and  
5 associated ecological shifts require the State to keep as many  
6 native fish in reef ecosystems as possible. Abundant  
7 populations of herbivorous reef wildlife can bolster reef  
8 resiliency against the effects of climate change by consuming  
9 algae that bloom and can smother reefs following ocean heat  
10 waves or changes in ocean acidity. Reefs provide vital  
11 ecosystem benefits, reducing the impact of extreme weather  
12 events and high surf by moderating onshore erosion, protecting  
13 human infrastructure, and mitigating harm to flora and fauna.  
14 Moreover, on-reef tourism activities, including snorkeling and  
15 diving, are a vital part of Hawaii's nature-based tourism  
16 economy, which is driven by healthy and vibrant ecosystems.

17 The legislature notes that in 1988, the State prohibited  
18 the taking of sand, dead coral or coral rubble, rocks, soil, and  
19 other marine deposits. Extending these prohibitions to  
20 encompass the commercial collection and sale of reef wildlife  
21 for the aquarium pet trade is now necessary to protect and



1 conserve Hawaii's invaluable natural resources for present and  
2 future generations, including traditional Native Hawaiian  
3 cultural practices that depend on them. The legislature further  
4 notes that these obligations and protections are enshrined in  
5 article XI, sections 1 and 9, and article XII, section 7, of the  
6 Constitution of the State of Hawaii.

7 Accordingly, the purpose of this Act is to prohibit the  
8 harvest of aquatic life for commercial aquarium purposes,  
9 regardless of the method of collection, in counties with a  
10 population greater than 200,000 and less than 300,000.

11 SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14 "§188- \_\_\_\_\_ **Harvesting aquatic life for commercial aquarium**  
15 **purposes; prohibition.** (a) No person shall harvest aquatic  
16 life from state marine waters for commercial aquarium purposes  
17 in counties with a population greater than 200,000 and less than  
18 300,000.

19 (b) Nothing in this section shall be construed to:

20 (1) Affect:



1           (A) Captive-breeding and aquaculture activities  
2           pursuant to section 187A-3.5; or

3           (B) The issuance of special activity permits  
4           authorizing the capture and take of aquatic life  
5           for scientific, educational, management, or  
6           propagation purposes pursuant to section 187A-6;  
7           or

8           (2) Prohibit the:

9           (A) Exercise of traditional and customary rights  
10           protected pursuant to article XII, section 7, of  
11           the state constitution;

12           (B) Lawful taking of fish for consumption or bait; or

13           (C) Lawful management or taking of aquatic life from  
14           fishponds.

15           (c) As used in this section, "commercial aquarium purpose"  
16           means the taking of aquatic life for profit, gain, or as a means  
17           of livelihood for sale into the aquarium trade to be held in a  
18           state of captivity as a pet or for ornamental display."

19           SECTION 3. 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



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 4. 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 5. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Office of Hawaiian Affairs Package; DLNR; BLNR; Aquatic Resources; Fishing Regulations; Commercial Aquarium Collection; Sustainability; Prohibition

**Description:**

Prohibits the harvest of aquatic life for commercial aquarium purposes, regardless of the method of collection, in counties with a population greater than 200,000 and less than 300,000. Effective 7/1/3000. (HD1)

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

