

JAN 30 2026

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 "Aquatic livestock" means various species of domestic and
21 non-domestic fish, crustaceans, and mollusks, including both



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

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

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



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

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

11 "Department" means the department of agriculture and
12 biosecurity.

13 "Division" means the division of animal industry of the
14 department of agriculture and biosecurity.

15 **§141- Aquatic livestock; import assessment and approval**

16 **process.** (a) The division shall develop and implement a
17 biological aquatic risk-based assessment and approval process
18 for the importation and movement of aquatic livestock within the
19 State. The process shall:

- 20 (1) Be based on the biological aquatic risk-based
- 21 framework developed pursuant to section 141-52;



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



1 **§141- Permit tracking and reporting.** The division
2 shall establish and maintain a permit tracking system
3 documenting all aquatic livestock import and movement
4 applications. The tracking system shall include:

- 5 (1) The application receipt date, applicant identity, and
6 the aquatic livestock species;
- 7 (2) The biological aquatic risk categorization assigned;
- 8 (3) Participating agency review periods and decision
9 dates;
- 10 (4) A determination of approval, conditional approval, or
11 denial;
- 12 (5) Processing time from initial application to final
13 determination; and
- 14 (6) A system for providing reports quarterly to the
15 department and applicable interagency partners that
16 evaluate processing performance and permit approval
17 rates.

18 **§141- Interagency coordination.** (a) There is
19 established within the department an interagency working group.

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



- 1 (1) The administrator of the division of animal industry
2 of the department of agriculture and biosecurity, who
3 shall serve as chair;
- 4 (2) The administrator of the division of aquatic resources
5 of the department of land and natural resources;
- 6 (3) The deputy director of the department of health's
7 environmental health administration;
- 8 (4) The chairperson of the board of land and natural
9 resources;
- 10 (5) The director of the office of planning and sustainable
11 development; and
- 12 (6) The director of the department of planning and
13 permitting, or department of planning, for each
14 county.
- 15 (c) The working group shall:
- 16 (1) Meet quarterly or as necessary to review pending
17 permit applications and processing timelines;
- 18 (2) Develop and implement interagency memoranda of
19 understanding to establish lead agency
20 responsibilities, processing timelines, and dispute
21 resolution procedures;



- 1 (3) Ensure that all participating agencies comply with the
- 2 automatic permit approval provisions of section
- 3 91-13.5;
- 4 (4) Identify any regulatory conflicts or statutory gaps
- 5 impeding aquaculture development and provide any
- 6 recommendations to the legislature; and
- 7 (5) Submit to the legislature an annual report on
- 8 coordination outcomes and permit processing
- 9 performance.

10 **§141- Performance metrics.** The division shall

11 establish, implement, and track the following performance

12 metrics:

- 13 (1) Permit processing efficiency:
 - 14 (A) By July 1, 2028, reduce the average aquatic
 - 15 livestock import permit processing timeline to
 - 16 reach a target of twelve to fifteen months;
 - 17 (B) Achieve one hundred per cent compliance with
 - 18 section 91-13.5, Hawaii Revised Statutes; and
 - 19 (C) Reduce permit denials through early risk
 - 20 identification;
- 21 (2) Framework effectiveness:



- 1 (A) By June 30, 2028, complete species risk
- 2 categorization for priority aquaculture species;
- 3 (B) Achieve zero documented escapement incidents from
- 4 certified biocontainment facilities; and
- 5 (C) Conduct annual species recategorization reviews
- 6 based on peer-reviewed research;
- 7 (3) Stakeholder satisfaction:
- 8 (A) Conduct annual surveys of permit applicants with
- 9 target satisfaction scores;
- 10 (B) Hold quarterly interagency working group
- 11 meetings; and
- 12 (C) Facilitate annual stakeholder forums; and
- 13 (4) Environmental outcomes:
- 14 (A) Document zero establishment of unintended feral
- 15 populations from permitted operations;
- 16 (B) Maintain baseline monitoring of endemic species;
- 17 and
- 18 (C) Support restoration aquaculture operations
- 19 demonstrating measurable environmental benefits."

20 SECTION 3. Section 141-52, Hawaii Revised Statutes, is
 21 amended by amending subsection (a) to read as follows:



- 1 "(a) There is established within the department an
2 aquaculture program that shall:
- 3 (1) Monitor actions taken by industry and by federal,
4 state, county, and private agencies in activities
5 relating to aquaculture, and promote and support
6 worthwhile aquaculture activities[+] that advance food
7 security, environmental restoration, cultural
8 perpetuation, and economic development objectives;
- 9 (2) Serve as an information clearinghouse for aquaculture
10 activities[+], including permitting requirements,
11 species-specific guidance, and technical assistance
12 resources;
- 13 (3) Coordinate development projects to investigate and
14 solve biological and technical problems involved in
15 raising selected species with commercial [~~potential~~],
16 nutritional, restorative, or cultural value;
- 17 (4) Actively seek federal funding for aquaculture
18 activities[+], including competitive grants under the
19 federal Marine Aquaculture Research for America Act
20 and related federal programs;



- 1 (5) Undertake activities required to develop and expand
2 the aquaculture industry[~~and~~], including:
3 (A) Developing a comprehensive biological aquatic
4 risk-based framework for an assessment and
5 approval process for aquatic livestock that:
6 (i) Categorizes aquatic livestock species based
7 on the probability and consequences of the
8 establishment of a feral, self-sustaining
9 population;
10 (ii) Establishes hierarchical risk categories
11 with corresponding approval timelines and
12 biocontainment requirements;
13 (iii) Incorporates species-specific risk criteria,
14 including native status, invasive
15 characteristics, pathogenic load, and
16 ecological impacts;
17 (iv) Includes provisions for recategorization
18 based on new scientific evidence or
19 documentation of ecosystem impacts;
20 (v) Requires a written risk assessment rationale
21 for each species categorization; and



1 (vi) Is updated annually based on peer-reviewed
2 research, industry experience, and
3 interagency input; and

4 (B) Developing comprehensive biocontainment standards
5 that establish physical, operational, and
6 monitoring requirements, including:

7 (i) Facility design specifications appropriate
8 to containment risks and species
9 characteristics;

10 (ii) Operational protocols for stock management,
11 biosecurity, and emergency response;

12 (iii) Monitoring and inspection procedures,
13 including frequency and verification
14 protocols;

15 (iv) Documentation and recordkeeping
16 requirements;

17 (v) Periodic third-party certification of
18 self-certification regimes appropriate to
19 risk level; and

20 (vi) Escalation procedures for biocontainment
21 failures or suspected escapement; and



1 (6) Perform other functions and activities that may be
2 assigned by law."

3 SECTION 4. Section 161-6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§161-6 Division of animal industry.** The division of
6 animal industry of the department of agriculture and biosecurity
7 shall administer this chapter subject to the supervision of the
8 board. ~~[The]~~ Except for the development and implementation of
9 biological aquatic risk-based framework and biocontainment
10 standards under part IV, subpart B of chapter 141, the board may
11 delegate any of its powers under this chapter, except the power
12 to make rules and regulations, or may direct any of its duties
13 to be performed by any appropriate agents, officers, or
14 employees of the board.

15 The board may employ on a full or part-time basis
16 veterinarians and poultry inspectors, subject to chapter 76, to
17 carry out a uniform inspection system of poultry or poultry
18 products throughout the State. All poultry inspectors shall be
19 under the supervision and control of a veterinarian employed by
20 the board."



1 SECTION 5. (a) In collaboration with the interagency
2 working group established under section 2 of this Act, the
3 division of animal industry of the department of agriculture and
4 biosecurity shall develop the biological aquatic risk-based
5 framework and biocontainment standards pursuant to section 2 of
6 this Act within eighteen months of the effective date of this
7 Act; provided that the following timeline shall be adhered to:

8 (1) Months one through three, initial research phase:

9 Commission a comprehensive literature review examining
10 applicable:

11 (A) United States Department of Agriculture
12 standards;

13 (B) National Oceanic and Atmospheric Administration
14 protocols;

15 (C) International best practices; and

16 (D) Hawaii-specific risk assessments;

17 (2) Months four through twelve, framework development
18 phase:

19 (A) Develop species-specific risk assessment
20 matrices;

21 (B) Establish risk categorization thresholds;



- 1 (C) Develop tiered biocontainment standards; and
- 2 (D) Publish a draft framework document and accept
- 3 oral and written public comments for at least
- 4 sixty days, and convene at least six public
- 5 hearings during the sixty-day period; and
- 6 (3) Months thirteen through eighteen, finalization phase:
- 7 (A) Incorporate public comments received pursuant to
- 8 paragraph 2;
- 9 (B) Finalize species categorizations;
- 10 (C) Adopt applicable rules pursuant to chapter 91;
- 11 (D) Develop inspector training programs;
- 12 (E) Establish permit application procedures; and
- 13 (F) Implement an electronic permit tracking system.
- 14 (b) The framework development process under subsection (a)
- 15 shall address alignment with:
- 16 (1) Chapter 195D, Hawaii Revised Statutes;
- 17 (2) Section 91-13.5, Hawaii Revised Statutes;
- 18 (3) Applicable federal requirements; and
- 19 (4) Integration with the Hawaii aquaculture program
- 20 pursuant to section 141-52, Hawaii Revised Statutes.



1 SECTION 6. The department of agriculture and biosecurity
2 shall submit a report to the legislature no later than twenty
3 days prior to the convening of the regular session of 2027, and
4 annually thereafter, detailing:

- 5 (1) Framework development progress and species
6 categorizations completed;
- 7 (2) Permit processing statistics and compliance with
8 statutory timelines;
- 9 (3) Biocontainment facility certifications and inspection
10 findings;
- 11 (4) Any interagency coordination achievements and
12 regulatory conflicts identified;
- 13 (5) Escapement incidents, disease detections, or adverse
14 events;
- 15 (6) Stakeholder feedback and satisfaction metrics;
- 16 (7) Updated species risk categorizations and the
17 scientific basis for any changes;
- 18 (8) Linkage to broader Hawaii aquaculture program
19 objectives; and
- 20 (9) Any recommendations for statutory or administrative
21 modifications.



1 SECTION 7. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$2,000,000 or so much
 3 thereof as may be necessary for fiscal year 2026-2027 for the
 4 division of animal industry of the department of agriculture and
 5 biosecurity to:

- 6 (1) Implement framework-based permitting operations;
- 7 (2) Conduct annual framework updates;
- 8 (3) Perform inspections and biocontainment verification;
- 9 and
- 10 (4) Maintain interagency coordination activities.

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

13 SECTION 8. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2026;
 16 provided that section 6 shall be repealed on June 30, 2030.

17

INTRODUCED BY: *Mike Gabbard*



S.B. NO. 3321

Report Title:

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

Description:

Requires 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 moneys.

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

