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# HOUSE RESOLUTION

REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION  
ON BIOPROSPECTING.

1           WHEREAS, the Legislature finds that Hawaii's biological  
2 resources are assets of the public land trust that are  
3 culturally, spiritually, medicinally, and otherwise significant  
4 to native Hawaiians and the general public; and  
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6           WHEREAS, Hawaii runs the risk of losing its biological  
7 resources as natural habitat is developed, natural environment  
8 is degraded, and non-sustainable consumptive practices are  
9 perpetuated; and  
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11           WHEREAS, Hawaii's unique biological resources are assets of  
12 a public trust established in Article XI, section 1, of the  
13 Hawaii State Constitution and section 171-2, Hawaii Revised  
14 Statutes; and  
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16           WHEREAS, Hawaii's biological resources are of great  
17 potential economic benefit in the areas of medicine, scientific  
18 research, biotechnology, and commercial development; and  
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20           WHEREAS, there is a need to develop public policy to  
21 balance development and commercialization with scientific  
22 research and conservation of Hawaii's fragile bio-resources, and  
23 fair and equitable benefit-sharing with the general public and  
24 native Hawaiians, who are the beneficiaries of the public land  
25 trust; and  
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27           WHEREAS, in its report to the Legislature entitled,  
28 "Bioprospecting: Issues and Policy Consideration", January  
29 2006, the Legislative Reference Bureau recommended four policy  
30 areas for discussion, including:  
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- 32           (1) Prior informed consent;  
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34           (2) Rights of indigenous knowledge holders;  
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1 (3) Equitable benefit-sharing; and

2  
3 (4) Conservation, preservation, and sustainable use of  
4 biological diversity;

5  
6 and

7  
8 WHEREAS, if the rights-holders and stakeholders, who have  
9 worked on these issues can agree to these four policies, it may  
10 serve as the basis upon which a regulatory permitting and  
11 licensing process can be developed; now, therefore,

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13 BE IT RESOLVED by the House of Representatives of the  
14 Twenty-third Legislature of the State of Hawaii, Regular Session  
15 of 2006, that the Governor is requested to establish a temporary  
16 advisory commission on bioprospecting, to be placed within the  
17 Office of Hawaiian Affairs for administrative purposes only, to  
18 make recommendations for policy development in the area of:

19  
20 (1) Prior informed consent;

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22 (2) Equitable benefit-sharing;

23  
24 (3) Bio-safety protocols;

25  
26 (4) A permitting and licensing process; and

27  
28 (5) Cultural rights for the use of Hawaii's biodiversity;

29  
30 and

31  
32 BE IT FURTHER RESOLVED that members of the temporary  
33 advisory commission on bioprospecting represent the various  
34 rights-holders and stakeholders, including the following:

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36 (1) The Chairperson of the Board of Trustees of the Office  
37 of Hawaiian Affairs or a designee;

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39 (2) The President of the University of Hawaii or a  
40 designee;

41  
42 (3) The Director of Business, Economic Development, and  
43 Tourism or a designee;



- 1 (4) The Chairperson of the Board of Land and Natural
- 2 Resources or a designee;
- 3
- 4 (5) Five members of the native Hawaiian community,
- 5 residing in the State of Hawaii, who have a
- 6 demonstrated background in:
- 7
- 8 (A) Traditional and customary use of biological and
- 9 genetic resources;
- 10
- 11 (B) Indigenous and traditional technologies;
- 12
- 13 (C) Scientific and technical uses of native Hawaiian
- 14 practices;
- 15
- 16 (D) Legal procedures nationally and internationally,
- 17 in connection with the protection or
- 18 commercialization of biological and genetic
- 19 resources; and
- 20
- 21 (E) Native Hawaiian cultural rights as contained in
- 22 the Hawaii State Constitution and statutes;
- 23
- 24 who are appointed by the Governor from lists of
- 25 nominees submitted by the President of the Senate,
- 26 Speaker of the House of Representatives, and Hawaiian
- 27 organizations; and
- 28
- 29 (6) Two representatives from the biotechnology industry,
- 30 whose principal place of business is in the State of
- 31 Hawaii, who are appointed by the Governor from lists
- 32 of nominees submitted by the President of the Senate
- 33 and the Speaker of the House of Representatives, and
- 34 members of the biotechnology industry, based in
- 35 Hawaii;

36  
37 and

38  
39 BE IT FURTHER RESOLVED that the temporary advisory  
40 commission on bioprospecting is requested to prepare a report of  
41 its recommendations to the Legislature and the Governor not  
42 later than 20 days prior to the convening of the Regular Session  
43 of 2007; and  
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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Resolution be transmitted to the Governor, President of the  
3 Senate, Speaker of the House of Representatives, and Chairperson  
4 of the Board of Trustees of the Office of Hawaiian Affairs.  
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