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# A BILL FOR AN ACT

PROHIBITING SALES OF OPIHI.

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

1           SECTION 1. In recent years, the number of edible opihi  
2 found in Hawaii has declined. The popularity of opihi as a  
3 delicacy has led to overharvesting on the island of Oahu and has  
4 made opihi difficult to find on the neighbor islands.

5           The blackfoot opihi (*Cellana exarata*), also known as  
6 "makaiauli," once the most common limpet in Hawaiian waters, is  
7 found in the upper wash of waves. The yellowfoot opihi (*Cellana*  
8 *sandwicensis*), also known as "alinalina," is the preferred  
9 species for eating. It is found in the wash of waves, roughly  
10 between the habitats of the blackfoot opihi and koele, the third  
11 type of edible opihi in Hawaii. Koele is also known as the  
12 "kneecap" opihi (*Cellana talcosa*). There is also a fourth type  
13 of opihi (*Cellana melanostoma*) observed in Kaua`i that probably  
14 also could be found in Niihau.

15           Although opihi can be collected year-round, opihi shells  
16 must be at least one and a quarter inches wide, or the meat must  
17 be at least a half-inch wide, to be legally harvested in Hawaii.



1           The purpose of this Act is to prohibit the sale of all  
2 Hawaiian species of edible opihi, subject to an exemption for  
3 certain opihi shells used to make jewelry.

4           SECTION 2. Section 188-42.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "~~§~~188-42.5~~§~~ Hihiwai, hapawai, opihi, and opae  
7 kala`ole selling prohibited. It shall be unlawful for any  
8 person at any time to sell or offer for sale any hihiwai,  
9 hapawai, opihi, ~~and~~ or opae kala`ole taken from any of the  
10 waters within the jurisdiction of the State. It shall be  
11 presumed that the taking of more than one-half gallon per person  
12 per day of opihi, as measured with its shell on, from any of the  
13 waters within the jurisdiction of the State, is for the purpose  
14 of selling or offering to sell opihi.

15           As used in this section, "opihi" means all known Hawaiian  
16 opihi species, including Cellana exarata (blackfoot), Cellana  
17 sandwicencis (yellowfoot), Cellana talcosa (koele), and Cellana  
18 melanostoma.

19           The prohibition to sell or offer for sale any opihi as  
20 provided by this section shall not apply to opihi shells at  
21 least one and one-fourth inches in diameter, sold or offered for  
22 sale as a curio or jewelry, or as part of a curio or jewelry;



1 provided that the taking of the opihi for these purposes is in  
2 compliance with this section."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Conservation and Resources; Resource Management; Opihi

**Description:**

Prohibits the selling or offering for sale of opihi, except in certain circumstances. (CD2)

