
A BILL FOR AN ACT

RELATING TO BIOPROSPECTING.

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

1 SECTION 1. The temporary advisory commission on
2 bioprospecting was established pursuant to House Concurrent
3 Resolution No. 193 (2006). The commission was tasked to make
4 recommendations for policy development in the areas of:
5 (1) Prior informed consent;
6 (2) Rights of indigenous knowledge holders;
7 (3) Equitable benefit-sharing; and
8 (4) Conservation, preservation, and sustainable use of
9 biological diversity;
10 The commission prepared a report of its recommendations to the
11 legislature and the governor; however, additional work is
12 required to allow the commission to gather the input of
13 stakeholders, prior to the submission of this report by the
14 commission.
15 The purpose of this Act is to establish the temporary
16 advisory commission on bioprospecting within the legislative
17 reference bureau, expand the membership of the existing



1 commission to fifteen members, require the commission to obtain
2 stakeholder and community input and convene a roundtable prior
3 to the finalization of its report, and provide that the
4 commission shall expire upon adjournment sine die of the 2010
5 regular session of the legislature.

6 The membership of the commission shall be expanded as
7 follows, by adding two qualified members from the native
8 Hawaiian community, one qualified member from the biotechnology
9 industry, and one member representing the University of Hawaii
10 doing research in a field primarily related to bioprospecting.

11 SECTION 2. There is established a temporary advisory
12 commission on bioprospecting, placed within the legislative
13 reference bureau for administrative purposes. The commission
14 shall be tasked with making recommendations for policy
15 development in the areas of:

- 16 (1) Prior informed consent;
- 17 (2) Equitable benefit sharing;
- 18 (3) Bio-safety protocols;
- 19 (4) A permitting and licensing process; and
- 20 (5) Cultural rights for the use of Hawaii's biodiversity.



1 SECTION 3. The temporary advisory commission on
2 bioprospecting shall consist of fifteen members. The membership
3 shall consist of the following:

- 4 (1) The chairperson of the board of trustees of the office
5 of Hawaiian affairs or a designee;
- 6 (2) The president of the University of Hawaii or a
7 designee;
- 8 (3) The director of business, economic development, and
9 tourism or a designee;
- 10 (4) The chairperson of the board of land and natural
11 resources or a designee;
- 12 (5) Seven members of the native Hawaiian community,
13 residing in the State of Hawaii, who have a
14 demonstrated background in:
 - 15 (A) Traditional and customary use of biological and
16 genetic resources;
 - 17 (B) Indigenous and traditional technologies;
 - 18 (C) Scientific and technical uses of native Hawaiian
19 practices;
 - 20 (D) Legal procedures nationally and internationally,
21 in connection with the protection or



1 commercialization of biological and genetic
2 resources; and

3 (E) Native Hawaiian cultural rights as contained in
4 the Hawaii State Constitution and Hawaii Revised
5 Statutes;

6 who are appointed by the governor from lists of
7 nominees submitted by the president of the senate,
8 speaker of the house of representatives, and Hawaiian
9 organizations;

10 (6) Three representatives from the biotechnology industry,
11 whose principal place of business is in the State of
12 Hawaii, who are appointed by the governor from lists
13 of nominees submitted by the president of the senate
14 and the speaker of the house of representatives, and
15 members of the biotechnology industry based in Hawaii;
16 and

17 (7) One representative of the University of Hawaii who is
18 involved in research projects primarily related to
19 bioprospecting issues.

20 Provided that individuals appointed as members of the
21 commission established under House Resolutation No. 193, H.D. 1,



1 as of the effective date of this Act shall retain their
2 membership on the commission.

3 The commission shall elect its chairperson from among its
4 own membership. The members shall receive no compensation for
5 their services on the commission, but shall be reimbursed for
6 actual expenses incurred in the performance of their duties.

7 The commission may engage employees necessary to perform
8 its duties, including administrative personnel and an executive
9 officer. The executive officer shall be appointed by the
10 commission and the executive officer's position shall be exempt
11 from chapter 76, Hawaii Revised Statutes. Departments of the
12 state government shall make available to the commission such
13 data, facilities, and personnel as are necessary for it to
14 perform its duties. The commission may receive and utilize
15 donations and any funds from the federal or other governmental
16 agencies. It shall adopt rules guiding its conduct, maintain a
17 record of its activities and accomplishments, and make
18 recommendations to the governor and to the legislature through
19 the governor.

20 SECTION 4. The temporary advisory commission on
21 bioprospecting shall prepare and submit a report of its
22 recommendations to the legislature and the governor not later



1 than twenty days prior to the convening of the regular session
2 of 2010. Prior to the preparation of its report, the commission
3 shall:

- 4 (1) Conduct consultations with stakeholders and community
5 outreach efforts, the results of which shall be
6 incorporated within the commission's report; and
- 7 (2) Convene a roundtable to further engage stakeholders
8 and community members and allow them to have input in
9 the preparation of the report.

10 SECTION 5. The temporary advisory commission on
11 bioprospecting shall expire on adjournment sine die of the
12 regular session of the 2010 legislature.

13 SECTION 6. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2008-2009 to
16 extend the work of the temporary advisory commission on
17 bioprospecting for one year.

18 The sum appropriated shall be expended by the legislative
19 reference bureau for the purposes of this Act.

20 SECTION 7. This Act shall take effect on July 1, 2008.



Report Title:

Bioprospecting Advisory Commission

Description:

Establishes a temporary bioprospecting advisory commission to address issues relating to bioprospecting. Appropriates funds for commission to fulfill its mandate. Commission ends adjournment sine die of the regular session of 2010. (SD1)

