
A BILL FOR AN ACT

RELATING TO AQUARIUM FISH.

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

1 SECTION 1. The legislature finds that Hawaii's reef fish
2 are one of the State's most valuable resources. Protecting
3 ocean resources is important for cultural, economic, and
4 environmental reasons. Hawaii's reefs face many threats from
5 overfishing, impacts of climate change, invasive species, and
6 pollution. Wise management of ocean resources is essential in
7 order to ensure that these resources are available to future
8 generations.

9 The legislature also finds that there has been continuing
10 controversy regarding the aquarium fishing industry's use of the
11 State's valuable marine resources. Better regulation of the
12 industry is needed as part of a more proactive and precautionary
13 resource management strategy, including setting limits on the
14 number of aquarium fish collectors in the State. This will
15 limit the collection of aquarium fish around reefs and help to
16 ensure that the industry complies with existing regulations.

17 The purpose of this Act is to establish:



- 1 (1) A limit on the number of permits that the State may
- 2 issue for aquarium fish collecting;
- 3 (2) Reporting requirements for permit holders; and
- 4 (3) A statewide limited entry program for commercial
- 5 aquarium fishers.

6 SECTION 2. Section 188-31, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§188-31 Permits to take aquatic life for aquarium**
9 **purposes.** (a) Except as prohibited by law, the department,
10 upon receipt of a written application, may issue an aquarium
11 fish permit, not longer than one year in duration, to use fine
12 meshed traps, or fine meshed nets other than throw nets, for the
13 taking of marine or freshwater nongame fish and other aquatic
14 life for aquarium purposes.

15 (b) Commencing January 1, 2015, no more than one hundred
16 permits may be issued statewide, with no more than twenty-five
17 issued in any one county; provided that preference in issuing a
18 permit shall be given to existing permit holders who are current
19 with the reporting requirements of this section; provided
20 further that a permit shall not be renewed if the permit holder
21 is not current with the reporting requirements of this section.



1 ~~[(b)]~~ (c) Except as prohibited by law, the permits shall
2 be issued only to persons who can satisfy the department that
3 they possess facilities to and can maintain fish and other
4 aquatic life alive and in reasonable health.

5 (d) The department shall require that permit holders
6 complete daily catch reports and submit the reports to the
7 department after each day's fishing activities.

8 (e) The department shall require any commercial aquarium
9 fisher to present the fisher's daily catch report for inspection
10 upon the request of any agent of the department upon whom the
11 board has conferred powers of police officers, or who has
12 otherwise been authorized.

13 ~~[(e)]~~ (f) It shall be illegal to sell or offer for sale
14 any fish and other aquatic life taken under an aquarium fish
15 permit unless those fish and other aquatic life are sold alive
16 for aquarium purposes. ~~[The department may adopt rules pursuant~~
17 ~~to chapter 91 for the purpose of this section.]~~

18 (g) By no later than January 1, 2016, the department shall
19 establish a statewide limited entry program for commercial
20 aquarium fishers and shall adopt rules as necessary for
21 licensing and license eligibility, fees, renewal, maintenance,
22 transference, retirement, and revocation.



1 (h) The department may adopt rules pursuant to chapter 91
2 for the purpose of this section.

3 [~~d~~] (i) For the purposes of this section:

4 (1) "Aquarium purposes" means to hold salt water fish,
5 freshwater nongame fish, or other aquatic life alive
6 in a state of captivity as pets, for scientific study,
7 or for public exhibition or display, or for sale for
8 these purposes; and

9 (2) "Aquarium fish permit" means a permit issued by the
10 board for the use of fine mesh nets and traps to take
11 salt water fish, freshwater nongame fish, or other
12 aquatic life for aquarium purposes."

13 SECTION 4. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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H.B. NO. 2379

Report Title:

Aquatic Life; Aquarium Fish Collecting Permits; Limitations

Description:

Requires that no more than 100 aquarium fish permits be issued statewide, and no more than 25 permits be issued in any one county. Requires permit holders to complete daily catch reports. Authorizes DLNR to establish a statewide limited entry program and rules for aquarium fish collectors.

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