

JAN 18 2013

A BILL FOR AN ACT

RELATING TO AQUATIC LIFE.

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

1 SECTION 1. Most aquarium fish originating from the waters
2 of the United States come from Hawaii, which is known for its
3 rare endemic species of high value fish. However, the aquarium
4 fish industry has been largely unregulated in Hawaii, operating
5 without limits on its catch or the number of collectors in the
6 State.

7 The aquarium industry in Hawaii focuses on juvenile reef
8 fish and small invertebrates and exports the majority of its
9 catch to the mainland United States. However, with expanding
10 Asian markets, collectors are targeting more remote and deeper
11 reefs, as evidenced by the species sold on many internet
12 websites. Endemic species such as the bandit angelfish and the
13 masked angelfish sell for hundreds or even thousands of dollars
14 each, with no regulation or limit.

15 Aquarium collecting is having major impacts on Oahu and
16 Hawaii reefs, and moderate impacts on Maui reefs, where over-
17 harvesting is reducing the marine tourism industry experience.
18 Moreover, there is concern that the continued removal of



1 aquarium fish will not only affect target species, but will also
2 have irreversible effects on components of the entire ecosystem.
3 For example, the removal of large numbers of herbivores, such as
4 yellow tang, can cause reef areas to be overrun and smothered
5 with algae.

6 The purpose of this Act is to prohibit the taking of
7 aquarium fish during the months of January, February, March,
8 July, August, and September.

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

11 "**§188-31 Permits to take aquatic life for aquarium**
12 **purposes[-]; taking prohibited during certain months.** (a)

13 Except as prohibited by law, the department, upon receipt of a
14 written application, may issue an aquarium fish permit, not
15 longer than one year in duration, to use fine meshed traps, or
16 fine meshed nets other than throw nets, for the taking of marine
17 or freshwater nongame fish and other aquatic life for aquarium
18 purposes[-]; provided that no permit issued pursuant to this
19 section shall authorize the taking of marine or freshwater
20 nongame fish or other aquatic life for aquarium purposes during
21 the months of January, February, March, July, August, and
22 September.



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

5 (c) It shall be illegal to sell or offer for sale any fish
6 and other aquatic life taken under an aquarium fish permit
7 unless those fish and other aquatic life are sold alive for
8 aquarium purposes.

9 The department may adopt rules pursuant to chapter 91 for
10 the purpose of this section.

11 (d) No person shall take marine or freshwater nongame fish
12 or other aquatic life for aquarium purposes during the months of
13 January, February, March, July, August, and September.

14 ~~(d)~~ (e) For the purposes of this section:

15 (1) "Aquarium purposes" means to hold salt water fish,
16 freshwater nongame fish, or other aquatic life alive
17 in a state of captivity as pets, for scientific study,
18 or for public exhibition or display, or for sale for
19 these purposes; and

20 (2) "Aquarium fish permit" means a permit issued by the
21 board for the use of fine mesh nets and traps to take



1 salt water fish, freshwater nongame fish, or other
2 aquatic life for aquarium purposes."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

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

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

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INTRODUCED BY: Will Evers
Mike Abbott

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S.B. NO. 676

Report Title:

Aquarium Fish; Permits; Taking; Prohibition

Description:

Prohibits the taking of aquarium fish during the months of January, February, March, July, August, and September.

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