

JAN 29 2015

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# 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 cruelty to pet  
2 animals including dogs, cats, guinea pigs, and caged birds, in  
3 Hawaii, is a misdemeanor. Hawaii's animal cruelty laws reflect  
4 Hawaiian values of living in harmony and balance with nature,  
5 respect and responsibility for the surrounding environment, and  
6 ethical treatment of animals.

7           The legislature further finds that reef species captured  
8 and sold as pet animals are subject to cruel and unethical  
9 treatment, including mutilation, puncturing, and confinement,  
10 which are common practices by individuals capturing and selling  
11 these species.

12           The legislature finds that such cruel and unethical  
13 practices are incompatible with Hawaii's local values, and  
14 existing laws do not provide adequate protection from cruel  
15 treatment.

16           The purpose of this Act is to increase survivability and  
17 prohibit the cruel and unethical treatment of Hawaii's marine



1 life when taken for sale as pet animals, and uphold Hawaii's  
2 values of respect for local marine life.

3 SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§188- Aquarium fish; substantial injury. (a) No  
7 person shall sell or offer for sale any fish or other aquatic  
8 life, taken under an aquarium fish permit issued pursuant to  
9 section 188-31, that has been subjected to substantial injury or  
10 cruel treatment.

11 (b) Any person violating this section or any rule adopted  
12 pursuant to this section shall be guilty of a misdemeanor and  
13 shall be fined:

- 14 (1) \$500 for a first offense;
- 15 (2) \$2,000 for a second offense; and
- 16 (3) \$10,000 for a third or subsequent offense.

17 (c) In addition to any other penalty imposed under this  
18 section, a person violating this section shall be subject to:

- 19 (1) An administrative fine of not more than \$10,000 for  
20 each specimen of aquarium fish or aquatic life sold or  
21 offered for sale in violation of this section; and



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1        (2) Assessment of administrative fees and costs and  
2        attorney's fees and costs.

3        (d) The criminal penalties and administrative fines and  
4        costs shall be assessed per specimen of aquarium fish or aquatic  
5        life sold or offered for sale in violation of this section.

6        (e) As used in this section:

7        "Cruel treatment" means behavior that may result in  
8        substantial injury to the aquarium fish or aquatic life,  
9        including but not limited to:

10       (1) Surfacing at a rate resulting in physical damage to  
11       the body tissue;

12       (2) Piercing or deflating the swim bladder;

13       (3) Cutting the fin or spine;

14       (4) Withholding food for more than twenty-four hours; or

15       (5) Holding fish or aquatic life in less than one gallon  
16       of water, per each specimen, within any container.

17       "Substantial injury" means bodily injury that creates a  
18       substantial risk of death or that causes serious, permanent  
19       disfigurement, or protracted loss or impairment of the function  
20       of any bodily member or organ."



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

4 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY:

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**Report Title:**

Aquarium fish; Substantial Injury; Penalties

**Description:**

Prohibits the selling or offering for sale any fish or aquatic life taken under an aquarium fish permit subjected to substantial injury or cruel treatment.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

