
A BILL FOR AN ACT

RELATING TO AQUACULTURE.

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

1 SECTION 1. The legislature finds that diversification of
2 the State's economy is necessary to lessen the economic
3 dependence on tourism and to respond to the economic downturn
4 exacerbated by the coronavirus disease 2019 pandemic.
5 Supporting local aquacultural productions can help the State
6 move towards greater food sustainability and expand a home-based
7 workforce. The legislature further finds that seafood demand
8 outpaces supply and world fishery resources are quickly
9 depleting. There is significant growth potential for the
10 aquaculture industry in the State and for aspiring entrepreneurs
11 looking to establish themselves in this global emerging
12 industry.

13 Accordingly, the purpose of this Act is to:

14 (1) Establish provisions relating to the department of
15 agriculture's governing of the business of
16 aquaculture;



1 (2) Grant exclusive property rights to persons who
2 lawfully obtain the cultured progeny of wild plants
3 and animals by brood stock acquisition;

4 (3) Authorize the department of agriculture to regulate
5 the transportation, purchase, possession, and sale of
6 specific aquaculture products as may be necessary to
7 protect indigenous species; and

8 (4) Require the department of agriculture to prepare
9 programmatic environmental impact reports.

10 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
11 amended by adding a new part to be appropriately designated and
12 to read as follows:

13 "PART . AQUACULTURE

14 §141- Definitions. As used in this part:

15 "Aquaculture" means any form of agriculture devoted to the
16 propagation, cultivation, maintenance, and harvesting of aquatic
17 plants and animals in marine, brackish, and fresh water. The
18 term "aquaculture" does not include species of ornamental marine
19 or freshwater plants and animals not utilized for human
20 consumption or bait purposes that are maintained in closed
21 systems for personal, pet industry, or hobby purposes.



1 "Chairperson" means the chairperson of the board of
2 agriculture.

3 "Department" means the department of agriculture.

4 "Indigenous species" means any aquatic life, wildlife, or
5 land plant species growing or living naturally in Hawaii without
6 having been brought to Hawaii by humans.

7 "Person" means any natural person or any partnership,
8 corporation, limited liability company, trust, or other type of
9 association.

10 §141- Aquaculture program. (a) There is established
11 within the department an aquaculture program that shall:

12 (1) Maintain cognizance of actions taken by industry and
13 by federal, state, county, and private agencies in
14 activities relating to aquaculture, and promote and
15 support worthwhile aquaculture activities;

16 (2) Serve as an information clearinghouse for aquaculture
17 activities;

18 (3) Coordinate development projects to investigate and
19 solve biological and technical problems involved in
20 raising selected species with commercial potential;



- 1 (4) Actively seek federal funding for aquaculture
- 2 activities;
- 3 (5) Undertake activities required to develop and expand
- 4 the aquaculture industry; and
- 5 (6) Perform such other functions and activities as may be
- 6 assigned by law.

7 (b) The chairperson of the board may employ temporary
8 staff exempt from chapter 76.

9 **§141- Fees for aquaculture services.** The department of
10 agriculture may establish and assess fees pursuant to chapter 91
11 for:

12 (1) Aquatic animal and plant health diagnostic services;
13 and

14 (2) Any items or expert services purchased from the
15 department related to aquaculture planning, disease
16 management, and the marketing of seafood products;

17 provided that the assessment of these fees does not violate any
18 other provision of this chapter.

19 **§141- Aquaculture development special fund.** (a) There
20 is established in the state treasury the aquaculture development
21 special fund into which shall be deposited:



- 1 (1) Appropriations from the legislature;
- 2 (2) Moneys collected as fees for special microbiological
- 3 and histological procedures and expert aquaculture-
- 4 related services;
- 5 (3) Moneys collected from the sale of any item related to
- 6 aquaculture development that is purchased from the
- 7 department;
- 8 (4) Moneys directed to the aquaculture development program
- 9 from any other sources, including but not limited to
- 10 grants, gifts, and awards; and
- 11 (5) Moneys derived from interest, dividend, or other
- 12 income from the above sources.
- 13 (b) Moneys in the aquaculture development special fund
- 14 shall be used to:
- 15 (1) Implement the aquatic disease management programs and
- 16 activities of the department, including provision of
- 17 state funds to match federal grants; and
- 18 (2) Support research and development programs and
- 19 activities relating to the expansion of the state
- 20 aquaculture industry. Research and development
- 21 programs and activities funded under this paragraph



1 may be conducted by department personnel or through
2 contracts with the University of Hawaii or other
3 qualified persons.

4 **§141- Powers, duties, and activities of the department.**

5 (a) The business of aquaculture shall be governed by this part
6 and shall be exempt from any other provisions relating to the
7 harvesting, processing, and marketing of cultured aquatic life.

8 (b) Except as provided in this part, the business of
9 aquaculture processing, distribution, and marketing shall be
10 administered by the chairperson.

11 (c) The chairperson may enter into an agreement with the
12 chairperson of the board of land and natural resources for the
13 resolution of any conflict regarding jurisdiction that arises
14 under this part.

15 (d) Any costs incurred by the department in implementing
16 this part shall be recovered pursuant to this part.

17 **§141- Brood stock acquisition; exclusive property**
18 **rights.** The cultured progeny of wild plants and animals
19 lawfully obtained by brood stock acquisition are the exclusive
20 property of that person who cultured them or that person's
21 successor in interest.



1 §141- Protection of indigenous species. (a) When
2 necessary for the protection of indigenous species, the
3 department may regulate the transportation, purchase,
4 possession, and sale of specific aquaculture products as
5 provided for in this section.

6 (b) The department may determine that aquaculture products
7 shall be accompanied by a document containing any of the
8 following information:

9 (1) The name, address, and registration number of the
10 aquaculture producer;

11 (2) The species;

12 (3) The weight, volume, or count within the container;

13 (4) The date of the shipment; and

14 (5) The name and address of the intended receiver.

15 (c) The department may require that certain aquaculture
16 products shall be additionally identified as being aquaculture
17 produced.

18 §141- Programmatic environmental reports. (a) The
19 department shall prepare programmatic environmental impact
20 reports for existing and potential commercial aquaculture



1 operations in both coastal and inland areas of the State if both
2 of the following conditions are met:

3 (1) Funds are appropriated to the department for this
4 purpose; and

5 (2) Matching funds are provided by the aquaculture
6 industry.

7 (b) For purposes of this section, "matching funds"
8 includes but is not limited to any funds expended by the
9 aquaculture industry before January 1, 2022, for the preparation
10 of a programmatic environmental impact report.

11 §141- Rulemaking authority. The department shall adopt
12 rules pursuant to chapter 91 to effectuate the purpose of this
13 part."

14 SECTION 3. Section 141-2.5, Hawaii Revised Statutes, is
15 repealed.

16 ~~["§141-2.5] Aquaculture program. (a) There is~~
17 ~~established within the department an aquaculture program that~~
18 ~~shall:~~

19 ~~(1) Maintain cognizance of actions taken by industry and~~
20 ~~by federal, state, county, and private agencies in~~



- 1 ~~activities relating to aquaculture, and promote and~~
- 2 ~~support worthwhile aquaculture activities;~~
- 3 ~~(2) Serve as an information clearinghouse for aquaculture~~
- 4 ~~activities;~~
- 5 ~~(3) Coordinate development projects to investigate and~~
- 6 ~~solve biological and technical problems involved in~~
- 7 ~~raising selected species with commercial potential;~~
- 8 ~~(4) Actively seek federal funding for aquaculture~~
- 9 ~~activities;~~
- 10 ~~(5) Undertake activities required to develop and expand~~
- 11 ~~the aquaculture industry; and~~
- 12 ~~(6) Perform such other functions and activities as may be~~
- 13 ~~assigned by law.~~
- 14 ~~(b) The chairperson of the board may employ temporary~~
- 15 ~~staff exempt from chapter 76."]~~

16 SECTION 4. Section 141-2.6, Hawaii Revised Statutes, is

17 repealed.

18 ["~~§141-2.6~~ Fees for aquaculture services. The

19 department of agriculture may establish and assess fees pursuant

20 to chapter 91 for:



- 1 ~~(1) Aquatic animal and plant health diagnostic services;~~
- 2 ~~and~~
- 3 ~~(2) Any items or expert services purchased from the~~
- 4 ~~department related to aquaculture planning, disease~~
- 5 ~~management, and the marketing of seafood products;~~
- 6 ~~provided that the assessment of these fees does not violate any~~
- 7 ~~other provision of this chapter."]~~

8 SECTION 5. Section 141-2.7, Hawaii Revised Statutes, is

9 repealed.

10 ~~["~~§141-2.7~~ Aquaculture development special fund. (a)~~

11 ~~There is established in the state treasury the aquaculture~~

12 ~~development special fund into which shall be deposited:~~

- 13 ~~(1) Appropriations from the legislature;~~
- 14 ~~(2) Moneys collected as fees for special microbiological~~
- 15 ~~and histological procedures and expert aquaculture-~~
- 16 ~~related services;~~
- 17 ~~(3) Moneys collected from the sale of any item related to~~
- 18 ~~aquaculture development that is purchased from the~~
- 19 ~~department;~~



1 ~~(4) Moneys directed to the aquaculture development program~~
2 ~~from any other sources, including but not limited to~~
3 ~~grants, gifts, and awards; and~~

4 ~~(5) Moneys derived from interest, dividend, or other~~
5 ~~income from the above sources.~~

6 ~~(b) Moneys in the aquaculture development special fund~~
7 ~~shall be used to:~~

8 ~~(1) Implement the aquatic disease management programs and~~
9 ~~activities of the department, including provision of~~
10 ~~state funds to match federal grants; and~~

11 ~~(2) Support research and development programs and~~
12 ~~activities relating to the expansion of the state~~
13 ~~aquaculture industry. Research and development~~
14 ~~programs and activities funded under this paragraph~~
15 ~~may be conducted by department personnel or through~~
16 ~~contracts with the University of Hawaii or other~~
17 ~~qualified persons."]~~

18 SECTION 6. The department of agriculture shall acquire
19 land for the purposes of aquaculture.

20 SECTION 7. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2022-2023 for
2 four full-time equivalent (4.0 FTE) positions within the
3 department of agriculture for the purposes of this Act.

4 The sum appropriated shall be expended by the department of
5 agriculture for the purposes of this Act.

6 SECTION 8. Statutory material to be repealed is bracketed
7 and stricken.

8 SECTION 9. This Act shall take effect on July 1, 2022.



Report Title:

Aquaculture; Department of Agriculture; Aquaculture Program;
Appropriation

Description:

Establishes provisions relating to the Department of Agriculture's governing of the business of aquaculture. Grants exclusive property rights to persons who lawfully obtain the cultured progeny of wild plants and animals by brood stock acquisition. Authorizes the Department of Agriculture to regulate the transportation, purchase, possession, and sale of specific aquaculture products as may be necessary to protect indigenous species. Requires the Department of Agriculture to prepare programmatic environmental impact reports and acquire land for aquacultural purposes. Makes an appropriation. (SD1)

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