

JAN 21 2022

# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

SECTION 1. Chapter 189, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§189-     Harvesting aquatic life for commercial aquarium purposes; prohibition. (a) No person shall harvest aquatic life within the waters of the State of Hawaii for commercial aquarium purposes.

(b) This section shall not apply to the issuance of a license or permit for activities permitted in sections 187A-3.5 and 187A-6; provided that the requirements of those sections are met.

(c) For the purposes of this section:

"Aquarium purposes" means to hold salt water fish, freshwater nongame fish, or other aquatic life alive in a state of captivity as pets, for scientific study, for public exhibition or display, or for sale for these purposes.



1       "Commercial" means to take aquatic life for profit or gain  
 2       or where the aquatic life is sold, offered for sale, possessed  
 3       with intent to sell, bartered, landed, or transported for sale."

4       SECTION 2. Section 189-11, Hawaii Revised Statutes, is  
 5       amended to read as follows:

6       **"§189-11 Receipts in duplicate.** Every commercial marine  
 7       dealer shall issue receipts to the person from whom marine life  
 8       is obtained and shall provide the following information in the  
 9       receipt:

- 10       (1) The date of the issuance;
- 11       (2) The name of the person to whom the receipt is issued;
- 12       (3) The following information with respect to each of the
- 13               varieties of marine life as the department shall
- 14               require including:
- 15               (A) The weight in pounds of each of the varieties
- 16                       received;
- 17               (B) The numbers of marine life when they average a
- 18                       pound or more; and
- 19               (C) The price per pound paid; and



1           ~~[(D) With regard to aquarium fish, regardless of~~  
2                     ~~weight, the number and species of the fishes,~~  
3                     ~~and]~~

4           (4) The signature of the dealer who issues the receipt.  
5 Any dealer taking the dealer's own marine life or handling any  
6 marine life taken by commercial marine licensees working for or  
7 with the dealer, shall make out the same receipt, giving market  
8 price for the marine life as prevails on the date of receipt. A  
9 duplicate copy of this receipt shall be kept on file at the  
10 premise where the marine life was sold by the dealer issuing the  
11 same for a period of twelve months from the date of issuance,  
12 and the duplicate copy shall be available for inspection upon  
13 the demand of any conservation officer authorized to enforce the  
14 laws of the State."

15           SECTION 3. Section 188-31.5, Hawaii Revised Statutes, is  
16 repealed.

17           ~~["§188-31.5] Aquarium fish for export, monthly count.~~  
18 ~~The department of land and natural resources shall adopt rules~~  
19 ~~in accordance with chapter 91 to monitor the aquarium fish catch~~  
20 ~~report and fish dealer's report for export of aquarium fish~~  
21 ~~taken from the waters of the State for aquarium purposes~~



~~pursuant to section 188-31. A monthly count of the quantities  
taken of each individual species of aquarium fish exported shall  
be reported to the board."]~~

SECTION 4. Nothing in this Act shall be construed to  
prohibit the exercise of traditional and customary practices,  
the lawful taking of fish for consumption or bait, or the lawful  
management or taking of aquatic life from fishponds.

SECTION 5. If there is any conflict with section 188-31,  
Hawaii Revised Statutes, this Act shall supersede that section.

SECTION 6. If any provision of this Act, or the  
application thereof to any person or circumstance, is held  
invalid, the invalidity does not affect other provisions or  
applications of the Act that can be given effect without the  
invalid provision or application, and to this end the provisions  
of this Act are severable.

SECTION 7. This Act does not affect rights and duties that  
matured, penalties that were incurred, and proceedings that were  
begun before its effective date.

SECTION 8. Statutory material to be repealed is bracketed  
and stricken. New statutory material is underscored.



# S.B. NO. 2851

1       SECTION 9.   This Act shall take effect upon its approval.

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INTRODUCED BY:

*Jon Acasio*



# S.B. NO. 2851

**Report Title:**

Aquatic Life; Harvesting; Commercial Aquarium Purposes

**Description:**

Prohibits the harvesting of aquatic life in the State for commercial aquarium purposes, regardless of the method of collection.

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

