

STAND. COM. REP. NO. 3752

Honolulu, Hawaii

**APR - 6 2022**

RE: H.B. No. 1988  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1988, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CORAL,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the sale, import, harvest, or export of coral products, with certain exceptions; and
- (2) Require the Department of Land and Natural Resources to amend its administrative rules accordingly no later than December 31, 2024.

Your Committee received testimony in support of this measure from Coral Reef Alliance, Environmental Caucus of the Democratic Party of Hawai'i, Moana Ohana, Legacy Reef Foundation, Clean the Pacific, Hawai'i Reef and Ocean Coalition, Big Island "Reef Keepers" Hui, Center for Biological Diversity, Maui Divers of Hawai'i, For the Fishes, Conservation Council for Hawai'i, Kai Palaoa, Sierra Club of Hawai'i Moku Lua Group, Kalanihale, Friends of Hanauma Bay, Haereticus Environmental Laboratory, Fair Wind Charters, Ocean Defenders Alliance - Hawai'i, and nine individuals. Your Committee received testimony in opposition to this measure from Retail Merchants of Hawaii. Your Committee received comments



on this measure from the Department of Land and Natural Resources, Department of the Attorney General, and Maui Divers Jewelry.

Your Committee finds that the commercial use of coral contributes to the decline and degradation of the State's coral reefs and is disrespectful to native Hawaiian cultural values, traditions, and practices, especially regarding black coral. Coral reefs, which are the foundation of the State's marine ecosystem, are already facing unprecedented stressors, including acidification, warming oceans, overfishing, and pollution. The archaic trade in coral products is not compatible with principles of sustainability and this measure will further support efforts to protect Hawaii's coral reefs.

Your Committee notes the concerns raised in testimony that this measure, as currently drafted, may exclude non-state entities from harvesting corals under Special Activity Permits issued by the Department of Land and Natural Resources for certain non-commercial scientific, management, educational, or propagation purposes. Accordingly, amendments to this measure are necessary to address this concern and to resolve certain potential constitutional challenges.

Your Committee has amended this measure by:

- (1) Clarifying that it shall be unlawful for any person to import into, export from, sell in, harvest from, or offer for sale in the State any coral product, provided that the coral product is an endangered species native to Hawaii;
- (2) Clarifying this restriction shall not apply to:
  - (A) The import into, export from, sale in, or offer for sale in the State of any coral product for certain purposes;
  - (B) The harvest of coral products pursuant to a special activity permit for non-commercial harvesting purposes; and
  - (C) Coral products expressly authorized by federal law or federal permit;



- (3) Inserting an effective date of July 1, 2022; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1988, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1988, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



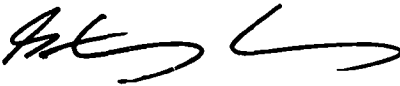
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ROSALYN H. BAKER, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1988, HD2, SD1	REN INTL, CPN	03-29-2022
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
BAKER, Rosalyn H. (C)	✓	
CHANG, Stanley (VC)	✓	
DECOITE, Lynn		✓
NISHIHARA, Clarence K.	✓	
RIVIERE, Gil	✓	
SAN BUENAVENTURA, Joy A.	✓	
FEVELLA, Kurt		✓
<b>TOTAL</b>	<b>5</b>	<b>2</b>
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

\*Only one measure per Record of Votes