

JAN 18 2024

A BILL FOR AN ACT

RELATING TO AQUARIUM FISH PERMITS.

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

1 SECTION 1. The legislature finds that there is a
2 fundamental difference between "aquarium purposes" as defined in
3 section 188-31, Hawaii Revised Statutes, and aquaculture
4 research. The legislature further finds that aquaculture in
5 Hawaii is a burgeoning local industry that will help the State
6 achieve its food sustainability goals. However, the aquaculture
7 industry in Hawaii may be limited by the definition of "aquarium
8 purposes" because it unnecessarily requires individuals and
9 organizations engaged in aquaculture research to acquire an
10 aquarium fish permit. The legislature also finds that the
11 ruling of *Umberger v. Department of Land and Natural Resources*
12 further complicated the definition of "aquarium purposes",
13 hampering Hawaii's aquaculture industry.

14 Accordingly, the purpose of this Act is to support Hawaii's
15 aquaculture industry by exempting aquaculture research from
16 section 188-31, Hawaii Revised Statutes, and amending the
17 definition of "aquarium purposes".



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

3 "§188-31 Permits to take aquatic life for aquarium
4 purposes. (a) Except as prohibited by law, the department,
5 upon receipt of a written application, may issue an aquarium
6 fish permit, not longer than one year in duration, to use fine
7 meshed traps, or fine meshed nets other than throw nets, for the
8 taking of marine or freshwater nongame fish and other aquatic
9 life for aquarium purposes.

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

14 (c) It shall be illegal to sell or offer for sale any fish
15 and other aquatic life taken under an aquarium fish permit
16 unless those fish and other aquatic life are sold alive for
17 aquarium purposes.

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

20 (d) For the purposes of this section:



1 (1) "Aquarium purposes" means to hold salt water fish,
2 freshwater nongame fish, or other aquatic life alive
3 in a state of captivity as pets, [~~for scientific~~
4 ~~study,~~] or for public exhibition or display, or for
5 sale for these purposes; and

6 (2) "Aquarium fish permit" means a permit issued by the
7 board for the use of fine mesh nets and traps to take
8 salt water fish, freshwater nongame fish, or other
9 aquatic life for aquarium purposes.

10 (e) This section shall not apply to activities conducted
11 for aquaculture research. Aquaculture research activities shall
12 be conducted in accordance with any applicable rules adopted by
13 the department. For the purposes of this subsection,
14 "aquaculture research" means the cultivation of and
15 experimentation with aquatic organisms in a controlled
16 environment for scientific, educational, or conservation
17 purposes, including but not limited to breeding, growth, and
18 health studies. "Aquaculture research" does not include
19 activities conducted for the commercial sale or public
20 exhibition of aquatic life."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

4

INTRODUCED BY: *Kenneth R. J. J. J.*



S.B. NO. 2148

Report Title:

Aquaculture; Aquarium Fish Permit; Aquaculture Research

Description:

Exempts persons engaging in aquaculture research from the aquarium fish permit requirement.

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