



HAWAII LOOKS TO PROHIBIT SALE OF AQUATIC LIFE FROM STATE WATERS FOR AQUARIUM PURPOSES

The Issue:

Companion legislation, [House Bill 1780](#) and [Senate Bill 2042](#), has been introduced in Hawaii to ban the sale of aquatic life taken from state waters for aquarium purposes. Anyone found in violation would be guilty of a misdemeanor and subject to high fines, including an administrative fine of up to \$1,000 for each aquatic life specimen sold “illegally”.

The Impact:

These bills make it “unlawful for any person at any time to knowingly or intentionally sell or offer to sell, for aquarium purposes, aquatic life taken from any of the waters within the jurisdiction of the State.” “Aquarium purposes” means “to hold saltwater fish, freshwater non-game fish, or other aquatic life alive in a state of captivity as pets, for scientific study, for public exhibition or display for public education, or for sale for these purposes.” And, “aquatic life” is defined as “any type or species of mammal, fish, amphibian, reptile, mollusk, crustacean, arthropod, invertebrate, coral, or other animal that inhabits the freshwater or marine environment and includes any part, product, egg, or offspring thereof; or freshwater or marine plants, including seeds, roots, products, and other parts thereof.”

The ban will not apply to the following:

- Any person exercising a customary and traditional right for subsistence, cultural, or religious purposes, subject to the right of the State to regulate that right, including native Hawaiian gathering rights and traditional cultural practices; and
- The taking of aquatic life for human consumption or for sale for human consumption, including the use of bait.

Any person found in violation of this prohibition will be guilty of a misdemeanor, and receive the following punishment:

- First offense = fine of up to \$1,000 and/or imprisonment of up to 30 days;

- Second offense within five years of a previous violation = fine of up to \$2,000 and/or imprisonment of up to 60 days; and
- Third or subsequent violation within five years of a previous violation = fine of up to \$3,000 and/or imprisonment of up to 90 days.

Additionally, anyone found in violation will also be subject to:

- An administrative fine of up to \$1,000 for each aquatic life specimen sold;
- Seizure and forfeiture of any taken aquatic life specimens, commercial marine license, vessel, and equipment; and
- Assessment of administrative fees and costs, and attorney's fees and costs.

It is also provides that “no person may take aquatic life for aquarium purposes or use fine meshed traps or fine meshed nets other than throw nets to take marine or freshwater non-game fish and other aquatic life for aquarium purposes WITHOUT an aquarium fish permit”. An “aquarium fish permit” would be issued by the Board of Land and Natural Resources.

Separate proposed legislation, [Senate Bill 2408](#), states that you may not obtain an aquarium fish permit UNLESS the person also has a commercial marine license. SB 2408 proposes that the fee for an aquarium fish permit should be \$500.

PIJAC Position:

A ban on selling aquatic life from state waters is not scientifically justified. Furthermore, Hawaii already has comprehensive regulatory mechanisms on the taking of aquatic life, including designated areas where collecting is prohibited. This legislation would severely impact the marine and hobby trade in Hawaii, while also having some impact on the freshwater trade.

Recommended Action:

We urge you to carefully read this legislation ([HB 1780](#), [SB 2042](#), [SB 2408](#)) and contact members of the committees listed below with any concerns. House Bill 1780 has been assigned to the following House Committees: [Water, Land & Ocean Resources](#), [Judiciary](#) and [Finance](#). Senate Bill 2042 has been assigned to the following Senate Committees: [Water, Land & Housing](#), [Judiciary & Labor](#).

If you have further questions concerning this bill please contact PIJAC’s Bambi Nicole Osborne by phone at 202-452-1525, ext. 105 or by email at bambi@pijac.org.

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On behalf of pets, responsible pet owners, and the pet industry, we thank you!