



HAWAII BILL TO OUTLAW SALE OF HAWAIIAN AQUATIC SPECIES

**** HEARING SET FOR FEBRUARY 3, 2011 ****

The Issue.

Legislation pending in the Hawaii Senate Committee on Water, Land and Housing ([Senate Bill 580](#)) would prohibit any person, at any time, from knowingly or intentionally selling or offering to sell, for aquarium purposes, aquatic life taken from any Hawaiian waters.

The Impact.

The broad prohibition against selling aquatic species taken from Hawaiian waters would have limited exceptions. For example, persons “exercising a customary and traditional right for subsistence, cultural, or religious purposes” are exempt (subject to state regulation). Furthermore, the bill explicitly exempts the harvesting of aquatic species for human consumption or for sale for human consumption (including for use as bait), and would allow issuance of permits for aquatic species used for bona fide scientific or “public display” purposes.

For purposes of this act, the term “sell” is broadly defined to include the transfer, giving, or delivery to another person, as well as leaving, bartering, or exchanging aquatic species with another person, or the offer or agreement to do any of these things for consideration.

Persons violating this law would be subject to as much as \$1,000 fine and thirty days imprisonment for a first offense, up to a \$2,000 fine and sixty days imprisonment for a second offense and a fine of up to \$3,000 and ninety days imprisonment for subsequent violations. Additionally, violators can be subject to an administrative penalty of up to \$1,000 **for each aquatic life specimen sold.**

The bill also bans the taking of aquatic species for aquarium purposes without a permit. Permits would be issued only to persons who can satisfy the department that they possess facilities to and can maintain fish and other aquatic life alive and in reasonable health, and who can satisfy the department that the methods of capture, husbandry, and transport are humane and will not result in substantial injury to or death of the taken aquatic life.

Regardless of the possession of a permit, however, it would be illegal to sell the aquatic species, even if taken in Hawaiian waters legally.

PIJAC Position.

While PIJAC supports the reasonable regulation of the aquatic aquarium trade, an outright ban on the aquarium trade has no rational basis.

Recommended Action.

All persons concerned about preserving the right to keep pets should contact the [Senate Committee on Water, Land and Housing](#) in advance of the hearing on Senate Bill 580! The bill is scheduled to be heard by that committee on Thursday, February 3, 2011 at 1:15 p.m. in Conference Room 225 of the state Capitol (415 South Beretania Street). Testimony must be sent to: WLHTestimony@Capitol.hawaii.gov.

Additionally, any person able to attend this hearing should do so in order to voice your opposition to this extreme proposal.

[Click here](#) to view the actual text of this bill. For questions or additional information about SB 580, contact PIJAC's Michael Maddox via email at Michael@pijac.org or by phone at 202-452-1525 ext 106. You may also visit the [Breaking News](#) page of PIJAC's website for updates on this bill and other initiatives impacting pet owners and the pet trade.

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