

JAN 17 2014

A BILL FOR AN ACT

RELATING TO ADVERTISING.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§712- Indecent advertising. (1) A person commits the
5 offense of indecent advertising if a person:

6 (a) Uses in any print, broadcast, or electronic
7 advertisements or directories that include the word
8 "massage", "relaxation", "spa", "escort", or "body
9 rubs", pictures depicting any personal physical
10 qualities other than the hands, wrists, and forearms
11 of a person being advertised as a massage therapist or
12 relaxation therapist; or

13 (b) Refers to any personal physical qualities of a person
14 being advertised as a massage therapist or relaxation
15 therapist in any print, broadcast, or electronic
16 advertisement that includes the word "massage",
17 "relaxation", "spa", "escort", or "body rubs".



1 (2) The publisher or producer of a print, broadcast, or
2 electronic advertising medium shall not publish or broadcast an
3 advertisement or listing for a massage therapist, massage
4 therapy, massage therapy establishment, relaxation therapist,
5 relaxation therapy, or relaxation therapy establishment that
6 does not comply with this section.

7 (3) A publisher or producer who obtains a written or
8 electronic agreement from the massage therapist, massage therapy
9 establishment, relaxation therapist, or relaxation therapy
10 establishment that states that the massage therapist, massage
11 therapy establishment, relaxation therapist, or relaxation
12 therapy establishment will not advertise any service in
13 violation of state or federal law shall be entitled to a
14 rebuttable presumption of compliance with this section.

15 (4) Indecent advertising shall be a misdemeanor.

16 (5) As used in this section:

17 "Advertise" includes but is not limited to:

18 (a) Issuing any card, sign, or device to any person;

19 (b) Causing, permitting, or allowing any sign or marking
20 on or in any building, vehicle, or structure;

21 (c) Advertising in any newspaper or magazine;

22 (d) Broadcasting commercials by airwave transmission; or



1 (e) Distributing commercial messages through any
2 electronic communication system, including but not
3 limited to the Internet.

4 "Massage therapist" has the same meaning as in section
5 452-1.

6 "Massage therapy" has the same meaning as in section 452-1.

7 "Massage therapy establishment" has the same meaning as in
8 section 452-1.

9 "Relaxation therapist" means any person who engages in the
10 occupation or practice of relaxation therapy for compensation.

11 "Relaxation therapy" means any method of practicing healing
12 arts other than massage therapy, including but not limited to
13 pedicure, manicure, reflexology, and spa treatment services.

14 "Relaxation therapy establishment" means premises occupied
15 and used for the purpose of practicing relaxation therapy or
16 relaxation therapy training."

17 SECTION 2. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 3. New statutory material is underscored.

21



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

2

INTRODUCED BY: *Therese Chun Casiano*

Mark

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S.B. NO. 2376

Report Title:

Cybertrafficking; Indecent Advertising

Description:

Prohibits advertisements for massage, relaxation, spa, escort, or body rubs from including certain types of pictures and from referring to personal physical qualities of a person other than the hands, wrists, and forearms.

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

