
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", images depicting any person being advertised as
10 a massage therapist, relaxation therapist, or escort
11 in a nude or semi-nude condition; or

12 (b) Refers to the intimate areas of a person being
13 advertised as a massage therapist, relaxation
14 therapist, or escort in any print, broadcast, or
15 electronic advertisement that includes the word
16 "massage", "relaxation", "spa", "escort", or "body
17 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, relaxation therapy establishment, escort, or
 6 escort service that 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, relaxation therapy
 10 establishment, or escort that states that the massage therapist,
 11 massage therapy establishment, relaxation therapist, relaxation
 12 therapy establishment, or escort will not advertise any service
 13 in violation of state or federal law shall be entitled to a
 14 rebuttable presumption of compliance with this section.

15 (4) Indecent advertising is a misdemeanor."

16 SECTION 2. Section 712-1210, Hawaii Revised Statutes, is
 17 amended by adding eleven new definitions to be appropriately
 18 inserted and to read as follows:

19 "Advertise" includes but is not limited to:

- 20 (a) Issuing any card, sign, or device to any person;
- 21 (b) Causing, permitting, or allowing any sign or marking
 22 on or in any building, vehicle, or structure;



- 1 (c) Advertising in any newspaper or magazine;
- 2 (d) Broadcasting commercials by airwave transmission; or
- 3 (e) Distributing commercial messages through any
- 4 electronic communication system, including but not
- 5 limited to the Internet.

6 "Escort" means any person who engages in the occupation or
7 practice of escort service for compensation.

8 "Escort service" means providing or offering to provide
9 company to other persons for amusement, companionship, or
10 entertainment at any public or private location; provided that
11 the term shall not include services provided as companionship
12 services for the aged or infirm under section 387-1.

13 "Intimate areas" has the same meaning as in section
14 711-1111.

15 "Massage therapist" has the same meaning as in section
16 452-1.

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

18 "Massage therapy establishment" has the same meaning as in
19 section 452-1.

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



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

4 "Relaxation therapy establishment" means premises occupied
5 and used for the purpose of practicing relaxation therapy or
6 relaxation therapy training.

7 "Semi-nude" means a state of dress in which clothing covers
8 no more than the genitals, pubic region, buttocks, and areola of
9 the female breast, as well as portions of the body covered by
10 supporting straps or devices."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Cybertrafficking; Indecent Advertising

Description:

Prohibits advertisements for massage, relaxation, spa, escort, or body rubs from including images depicting any person being advertised as a massage therapist, relaxation therapist, or escort in a nude or semi-nude condition. Effective 07/01/2050.
(SD1)

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