

JAN 20 2017

S.B. NO. 838

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 be appropriately designated
3 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, 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 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,
15 electronic advertisement, or directories that includes
16 the word "massage", "relaxation", "spa", "escort", or
17 "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 massage therapy, relaxation
4 therapy, or an escort service that does not comply with this
5 section.

6 (3) A publisher or producer who obtains a written or
7 electronic agreement from the advertiser that the advertiser
8 will not advertise any service in violation of state or federal
9 law shall be entitled to a rebuttable presumption of compliance
10 with this section.

11 (4) Indecent advertising is a misdemeanor."

12 SECTION 2. Section 712-1210, Hawaii Revised Statutes, is
13 amended by adding seven new definitions to be appropriately
14 inserted and to read as follows:

15 "Advertise" includes but is not limited to:

- 16 (a) Issuing any card, sign, or device to any person;
- 17 (b) Causing, permitting, or allowing any sign or marking
18 on or in any building, vehicle, or structure;
- 19 (c) Advertising in any newspaper or magazine;
- 20 (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 "Escort" means any person who provides company to other
5 persons for amusement, companionship, or entertainment at any
6 public or private location in exchange for a fee; provided that
7 the term shall not include companionship services for the aged
8 or infirm under section 387-1.

9 "Intimate areas" has the same meaning as in section
10 711-1111.

11 "Massage therapist" has the same meaning as in section
12 452-1.

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

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

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

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 838

Report Title:

Indecent Advertising; Massage

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 condition.

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