

STAND. COM. REP. NO.

2204

Honolulu, Hawaii

FEB 12 2018

RE: S.B. No. 2464  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 2464 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the  
misdemeanor offense of exploitative advertising.

Your Committee received testimony in support of this measure  
from IMUAlliance and UNITE Hawaii. Your Committee received  
testimony in opposition to this measure from one individual. Your  
Committee received comments on this measure from the Board of  
Massage Therapy.

Your Committee finds that Hawaii is home to over one hundred  
fifty high-risk sex trafficking establishments. According to  
testimony received by your Committee, the State is also a target  
for cyber-trafficking, with over 120,000 advertisements for local  
prostitution posted online each year. This measure helps prevent  
the Internet from being used to cover up sexual exploitation by  
making it illegal for high-risk sex trafficking establishments,  
such as massage parlors, relaxation therapy establishments, and  
escort services, to use explicit terms and nude images to sell  
sexual services, while also holding harmless the owners of the  
websites on which such advertisements are posted.




However, your Committee notes the concerns raised by the Board of Massage Therapy that this measure as written prevents licensed massage therapists, licensed by the Board of Massage Therapy and further regulated under chapter 452, Hawaii Revised Statutes, from being able to use certain words in legitimate advertisements. Amendments to this measure to address these concerns are therefore needed.

Your Committee has amended this measure by:

- (1) Clarifying the offense of exploitative advertising by:
  - (A) Removing references to the terms "massage", "relaxation", and "spa" and inserting a reference to the term "escort"; and
  - (B) Including in the description of prohibited print, broadcast, or electronic advertisements, or advertisement directories any words, acronyms, or images that imply activities contrary to the law governing licensed massage therapists; and
- (2) Deleting from the definition of "relaxation therapy" references to reflexology and spa treatment services, as these are methods of treatment otherwise permitted to be used by licensed massage therapists.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2464, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2464, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,



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ROSALYN H. BAKER, Chair



