

# SB2464

Measure Title: RELATING TO CRIME.

Report Title: Exploitive Advertisement; Massage Therapy; Relaxation Therapy; Misdemeanor

Description: Establishes the offense of exploitative advertising as a misdemeanor.

Companion:

Package: None

Current Referral: CPH, JDC

Introducer(s): RUDERMAN, Baker, Gabbard, Wakai

**PRESENTATION OF THE  
BOARD OF MASSAGE THERAPY**

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Tuesday, February 6, 2018  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2464, RELATING TO CRIME.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is Samantha Meehan-Vandike, and I am a member of the Board of  
Massage Therapy ("Board"). Thank you for the opportunity to testify on S.B. 2464,  
Relating to Crime. The Board appreciates the intent of this measure and provides the  
following comments and amendments.

S.B. 2464 seeks to criminalize exploitative advertising. It precludes the words  
"massage," "relaxation," "spa," and "massage therapist," among other words, in any  
advertisement. The bill expressly references the definition of massage therapist and  
massage therapy services as defined in Hawaii Revised Statutes section 452-1. If this  
bill becomes law, licensed massage therapists will not be able to use these words in  
legitimate advertisements. Furthermore, massage therapy advertising is already  
regulated by HRS section 452-23. Accordingly, the Board recommends the following  
amendments to this bill:

In section 1, page 1, line 8, delete the words "massage," "relaxation," and "spa,"  
and on line 11, add to the end of that subsection "any words, acronyms, or images that  
imply activities contrary to HRS chapter 452."

In section 1, page 2, line 1, delete the words “massage,” “relaxation,” and “spa.”

In section 2, page 3, lines 20-21, delete “including but not limited to reflexology and spa treatment services.” The Board recommends this deletion because the bill creates a definition for “relaxation therapy,” which includes reflexology and spa treatment services. Reflexology and spa treatment services are methods of treatment in massage therapy according to the definition in HRS section 452-1.

Thank you for the opportunity to testify on S.B. 2464.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

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## **TESTIMONY FOR SENATE BILL 2464, RELATING TO CRIME**

**Senate Committee on Commerce, Consumer Protection, and Health**

**Hon. Rosalyn H. Baker, Chair**

**Hon. Jill N. Tokuda, Vice Chair**

**Tuesday, February 6, 2018, 9:00 AM**

**State Capitol, Conference Room 229**

Honorable Chair Baker and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in strong support of Senate Bill 2464, relating to crime.

IMUAlliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention services to 130 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims in total. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation is 13-years-old, with 60 percent of trafficked children being under the age of 16. Approximately 150 high-risk sex trafficking establishments operate in Hawai'i. An estimated 1,500-2,500 women and children are victimized by sex traffickers in our state annually. Over 120,000 advertisements for Hawai'i-based prostitution are posted online each year, a number that is rapidly increasing as technology continues to outpace the law. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers

that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told IMUAlliance prior to being rescued, “I can’t be raped. Only good girls can be raped. I’m a bad girl. If I *want* to be raped, I have to *earn* it.”

Accordingly, we strongly support passage of this measure, which would curtail “cyber-trafficking,” or human trafficking facilitated by the internet. Websites like Backpage.com and USASexGuide.info make it easy for pimps and traffickers to sell victims under a cloak of anonymity, with johns purchasing sex with the same ease as if they were ordering a pizza. This bill would make it illegal to use nude images or descriptions of the intimate areas of any person advertised as working at a massage or relaxation therapy establishment, spa, or in any advertisement that contains the words “massage,” “relaxation,” “spa,” “body rubs,” “sex,” “erotic,” or “escort.” In short, this bill makes it more difficult for local traffickers and brothels to advertise sexual services, which typically use sexual images and salacious ad copy to create demand for prostitution. Importantly, this proposal **holds the operators of websites on which such activity is facilitated completely harmless**. While this is not our preferred legal pathway, it brings our proposal into full compliance with Section 230 of the Communications Decency Act and, in turn, explicitly targets the third-parties—namely, the pimps and traffickers—who create and post advertisements for sexual exploitation. That said, **we urge you to amend this measure by adding the word “escort” to the list of terms enumerated on p.1, lines 8-9 of this bill to ensure that advertisement directories including escort services—which are frequently fronts for prostitution—are also fully covered by the bill’s ban on the use of nude images in sexually exploitative advertisements.**

Slavery has no place in paradise. Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance



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**SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, and HEALTH**

**TESTIMONY—SB 2464, Relating to Crime**

**TUESDAY, FEBRUARY 6, 2018**

**Jeanné Kapela, UNITE Hawaii Executive Director**

**POSITION: STRONG SUPPORT**

Chair Baker and committee members,

Hawai'i is home to over 150 high-risk sex trafficking establishments, with the average age a victim is first exploited being only 13-years-old. We are also a target for "cybertrafficking," with over 120,000 ads for local prostitution posted online each year. Yet, the numbers fail to fully capture the human toll of the commercial sex trade, a tragedy we witness each day in the eyes of the survivors we serve.

UNITE is an educational nonprofit devoted to ending sex trafficking in Hawai'i. Through outreach and awareness in local schools, we provide students with the skills necessary to prevent exploitation by building healthy relationships and learning communities. Our program, "It Ends With Us," explains how trafficking works in the 21st Century, preparing students to recognize threatening situations and respond to potential abuse. To date, we have provided anti-trafficking education to thousands of keiki in our state's public school system. Working with UNITE's strategic partner, IMUAlliance, we have also helped to emancipate sex trafficking victims from local brothels in the Ala Moana area. For both victims who self-identify at the schools we visit and those for whom we've provided direct intervention services, a lack of information about how to get help is a common concern.

Today, pimps and traffickers sell women and children over the internet with increased regularity. As our digital devices have become smarter, sleeker, and faster,

buying a women or child for sex has become as simple as ordering a book from Amazon.com. To prevent slavery from expanding throughout the islands, we must pass measures preventing the internet from being used to cover up sexual exploitation. This bill makes it illegal for high-risk sex trafficking establishments—including massage parlors, relaxation therapy establishments, and escort services—to use explicit terms and nude images to sell sexual services, while holding harmless the owners of the websites on which such advertisements are posted in order to fully complex with federal communications law. We must act, today, to curtail the state’s prolific slave trade.

Thank you for the opportunity to testify in support of this bill.

**SB-2464**

Submitted on: 2/5/2018 4:35:45 PM

Testimony for CPH on 2/6/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Yuki Yoshida		Oppose	No

Comments:

My name is Yuki Yoshida. I am the sole proprietor of Step by Step Reflexology. We use a type of foot massage to treat our patients.

While I understand the intent of this measure, its current wording has the unfortunate consequence of hurting legitimate businesses like my own. How are we supposed to properly explain what we do without using the words "massage" or "relaxation"? If this measure passes, it will become much more difficult to advertise to the public. It also runs the risk of allowing even more restrictions on advertising language ("blood circulation," etc.).

I ask that you please reword this measure in such a way that legitimate massage businesses are unaffected.