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# A BILL FOR AN ACT

RELATING TO CRIME.

**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-    Exploitative advertising. (1) A person commits  
5 the offense of exploitative advertising if the person:

6           (a) Uses in any print, broadcast, or electronic  
7           advertisements, or advertisement directories that  
8           include the word "escort", "body rubs", "sex", or  
9           "erotic", images depicting any person being advertised  
10           as a massage therapist, relaxation therapist, escort,  
11           or employee in a nude condition, or any words,  
12           acronyms, or images that imply activities contrary to  
13           chapter 452; or

14           (b) Refers to the intimate areas of a person being  
15           advertised as a massage therapist, relaxation  
16           therapist, escort, or other employee in any print,  
17           broadcast, or electronic advertisement or



1 advertisement directories that include the word  
2 "escort", "body rubs", "sex", or "erotic".

3 (2) This section shall not apply to any owners,  
4 publishers, providers, producers, operators, managers, or  
5 moderators of a print, broadcast, or electronic advertisement  
6 directory, or classified advertisement website, who are acting  
7 in accordance with the scope of their professional  
8 responsibilities.

9 (3) Exploitative advertising is a misdemeanor. In  
10 addition to any penalties the court may impose, the court may  
11 order the destruction or deletion of any advertisement made in  
12 violation of this section."

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

16 "Advertise" includes but is not limited to:

- 17 (a) Issuing any card, sign, or device to any person;
- 18 (b) Causing, permitting, or allowing any sign or marking  
19 on or in any building, vehicle, or structure;
- 20 (c) Advertising in any newspaper or magazine;
- 21 (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 a person who engages in the  
15 occupation or practice of relaxation therapy for compensation.

16       "Relaxation therapy" means any non-medical method of  
17 practicing healing arts other than massage therapy that is  
18 intended to help a person relax, attain a state of increased  
19 calmness, or otherwise reduce pain, anxiety, stress, anger, or  
20 depression."



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

4 SECTION 4. New statutory material is underscored.

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

6



**Report Title:**

Exploitive Advertisement; Massage Therapy; Relaxation Therapy;  
Escort; Misdemeanor

**Description:**

Establishes the offense of exploitative advertising as a  
misdemeanor. (SD1)

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

