STAND. COM. REP. NO. 2204

Honolulu, Hawaii

## FEB 1 2 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,

ROSALYN H. BAKER, Chair

2018-1217 SSCR SMA.doc

## The Senate Twenty-Ninth Legislature State of Hawai'i

## Record of Votes Committee on Commerce, Consumer Protection, and Health CPH

Bill / Resolution No.:*	Committee Referral:			Date:		
JB 2464	CPH, JDC			216/18		
The Committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (WF	R) N	lay	Excused
BAKER, Rosalyn H. (C)						
TOKUDA, Jill N. (VC)						✓
CHANG, Stanley						
ESPERO, Will						
IHARA, Jr., Les		V				
NISHIHARA, Clarence K.						V
RUDERMAN, Russell E.		V				
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TOTAL	:	5				7
Recommendation:  Adopted  Not Adopted						
Chair's or Designee's Signature:						
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy						

\*Only one measure per Record of Votes