

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 2354

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2354 entitled:

"A BILL FOR AN ACT RELATING TO DECEPTIVE PRACTICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit a person from advertising or conducting a live musical performance through the use of deceptive affiliation under certain conditions; and
- (2) Enable action against deceptive practices by imposing penalties and private right of action.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that a number of famous legacy musical acts are scheduled to perform in the State at various venues this year. This measure seeks to protect the intellectual property of musical artists and to protect consumers from deceptive practices by prohibiting advertising or conducting live performances or productions through the use of false, deceptive, or misleading affiliation, unless the performance includes one member of the group, is identified as a tribute band, or the group is an authorized owner of a federal service mark for the original group.

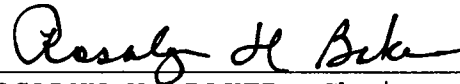


Accordingly, this measure will benefit consumers so that they know with certainty whether the band performing is the original or a tribute act.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2354, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2354, 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



The Senate
Thirtieth Legislature
State of Hawai'i

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

Bill / Resolution No.:* SB 2354	Committee Referral: CPH, JDC	Date: 2/6/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
WAKAI, Glenn	✓			
FEVELLA, Kurt	✓			
TOTAL	7			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes