
ENGROSSED SUBSTITUTE SENATE BILL 6130

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senator Fairley)

Read first time 02/02/96.

1 AN ACT Relating to standards of conduct for adult cabarets and
2 adult theaters; adding new sections to chapter 9.68 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.68 RCW
6 to read as follows:

7 The following standards of conduct must be adhered to by employees,
8 entertainers, and customers of adult cabarets or adult theaters at all
9 times.

10 (1) No employee or entertainer may appear seminude or nude in any
11 part of the premises open to view of customers, except in an adult live
12 entertainment performance area. No entertainer may perform anywhere on
13 the premises except in an adult live entertainment performance area.

14 (2) No employee, entertainer, or customer may perform acts of or
15 acts which simulate: Sexual intercourse, masturbation, bestiality,
16 sodomy, oral copulation, flagellation, or any sexual acts the
17 performance of which are prohibited by law.

18 (3) No customer may go within eight feet of an adult live
19 entertainment performance area.

1 (4) No customer, employee, or entertainer may encourage or permit
2 physical contact between an employee or entertainer and customer.

3 (5) No employee or entertainer may use artificial devices or
4 inanimate objects to depict any of the prohibited activities described
5 in subsection (2) of this section.

6 (6) No customer may give to any entertainer any gratuity or other
7 payment.

8 (7) No entertainer may solicit, demand, accept, or receive any
9 gratuity or other payment from a customer.

10 (8) At least two signs, in English, of sufficient size to be
11 readable at twenty feet shall be conspicuously displayed in a public
12 area of the cabaret or theater stating the following:

13 "THIS ADULT CABARET OR ADULT THEATER IS REGULATED BY
14 COUNTY.

15 ENTERTAINERS, EMPLOYEES, AND CUSTOMERS ARE NOT PERMITTED TO
16 ENGAGE IN ANY TYPE OF SEXUAL CONDUCT;

17 ENTERTAINERS ARE NOT PERMITTED TO APPEAR SEMINUDE OR NUDE OR
18 PERFORM EXCEPT IN AN ADULT LIVE ENTERTAINMENT PERFORMANCE AREA;

19 ENTERTAINERS ARE NOT PERMITTED TO SOLICIT, DEMAND, ACCEPT, OR
20 RECEIVE ANY GRATUITY OR OTHER PAYMENT FROM A CUSTOMER."

21 (9) There must be at least one employee who is not working as an
22 entertainer in any public area during all hours of operation.

23 (10) Except for public restrooms, doors to areas on the premises
24 that are available for use by persons other than the owner and/or
25 manager, or their agents or employees, may not be locked during
26 business hours.

27 (11) No person may operate or maintain any kind of warning device
28 or system for the purpose of warning or aiding and abetting the warning
29 of any employee, customer, or any other person that the police, health,
30 fire, or building inspectors or other public officials are approaching
31 or have entered the premises.

32 (12) During all hours of operation, sufficient lighting shall be
33 provided and equally distributed in or about the parts of the premises
34 that are open to and used by customers. For lighting to be sufficient,
35 all objects must be plainly visible and a Washington state liquor
36 control board card or other written instrument printed in eight-point

1 type must be readable by the human eye with 20/20 vision from two feet
2 away.

3 (13) For the purposes of this section:

4 (a) "Adult cabaret" means a nightclub, bar, restaurant, or similar
5 commercial establishment, whether or not alcoholic beverages are
6 served, that features: (i) Persons who appear seminude or nude; or
7 (ii) live performances that are characterized by the exposure of the
8 genitals, buttocks, anus, or pubic area of a person or breasts of a
9 female person or sexual activities.

10 (b) "Adult theater" means a theater, concert hall, auditorium, or
11 similar commercial establishment that, for any form of consideration,
12 features persons who appear live in a seminude or nude state, or live
13 performances that are characterized by the exposure of the genitals,
14 buttocks, anus, or pubic area of a person or breasts of a female person
15 or sexual activities.

16 (c) "Entertainer" means any person who appears or performs seminude
17 or nude within an adult cabaret or adult theater.

18 (d) "Seminude or nude" means the exposure of any or all of the
19 following: Genitals, buttocks, anus, or pubic area of a person or
20 breasts of a female person.

21 (14) Violation of this section is a misdemeanor.

22 Counties, cities, towns, or other municipalities may enact those
23 laws and ordinances relating to the standards of conduct for adult
24 cabarets and adult theaters that are more restrictive than the
25 requirements of this section.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.68 RCW
27 to read as follows:

28 (1) Section 1 of this act may not be construed to prohibit:

29 (a) Plays, operas, musicals, or other dramatic works that are not
30 obscene;

31 (b) Classes, seminars, and lectures held for serious scientific or
32 educational purposes; or

33 (c) Exhibitions or dances that are not obscene.

34 (2) For purposes of this section, an activity is "obscene" if:

35 (a) Taken as a whole by an average person applying contemporary
36 community standards the activity appeals to a prurient interest in sex;

37 (b) As measured against community standards, the activity depicts
38 patently offensive representations of (i) ultimate sexual acts, normal

1 or perverted, actual or simulated; (ii) masturbation, fellatio,
2 cunnilingus, bestiality, excretory functions, or lewd exhibition of the
3 genitals or genital area; or (iii) violent or destructive sexual acts,
4 including but not limited to human or animal mutilation, dismemberment,
5 rape, or torture; and

6 (c) The activity taken as a whole lacks serious literary, artistic,
7 political, or scientific value.

8 (3) For purposes of this section, an activity is "dramatic" if the
9 activity is of, relating to, devoted to, or concerned specifically or
10 professionally with current drama or the contemporary theater.

11 NEW SECTION. **Sec. 3.** If any portion of this chapter, as now
12 written or hereafter amended or as applied to any person or
13 circumstance, is held invalid or unconstitutional, such adjudication
14 shall not affect the validity of the chapter as a whole, or any
15 provision, section or part thereof not adjudged to be invalid or
16 unconstitutional, and its application to other persons or circumstances
17 shall not be affected.

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