

WAC 314-11-050 What types of conduct are prohibited on a premises with a liquor license?

<p>(1) Licensees may not allow, permit, or encourage employees (including him or herself) to:</p>	<p>(a) Be unclothed or in such attire, costume, or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.</p>
<p>(2) Licensees may not allow, permit, or encourage any person (including him or herself) on the licensed premises to:</p>	<p>(a) Perform acts of or acts which simulate, or use artificial devices or inanimate objects which depict;</p> <ul style="list-style-type: none"> • Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law; • The touching, caressing, or fondling of the breast, buttocks, anus or genitals; or • The displaying of the pubic hair, anus, vulva, or genitals. <p>(b) Show any film, still picture, electronic reproduction, or other visual reproduction that depicts pornography, or a sexual act prohibited by law.</p>
<p>(3) Notwithstanding the provisions of subsection (4) of this rule, licensees may not encourage any person on the licensed premises to:</p>	<p>(a) Expose to public view any portion of his or her genitals or anus;</p> <p>(b) Touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person; or</p> <p>(c) Wear or use any device or covering that is exposed to view which simulates the breast, genitals, anus, pubic hair, or any portion thereof.</p>
<p>(4) Licensees must ensure any entertainers on the licensed premises perform under the following guidelines:</p>	<p>(a) Entertainers may only expose their breast and/or buttocks if the performer(s) is on a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.</p> <p>(b) Performers must be at least six feet away from the nearest patron. This restriction will not be applied to performances of traditional ethnic dancing, provided that all of the following conditions are met:</p> <p>(i) The dancers are compensated by the licensee;</p> <p>(ii) At all times, the licensee must maintain and have available for inspection by any liquor enforcement officer a list of all traditional ethnic dancers employed at the licensed premises. The list must be retained for a period of thirty days after termination of employment and must contain the following information for each dancer or entertainer:</p> <ul style="list-style-type: none"> • True name and professional or stage name, if any; • Residence address and phone number; • Terms of the agreement of employment; and • Signature of both the licensee and the dancer or entertainer;

(iii) The traditional or ethnic dance performances will be those performed for the enjoyment of the general audience of the licensee and not for individual patrons.

(5) The occurrence of any of the above acts or conduct, whether permitted by a licensee, employee, or any other person under the control or direction of the licensee or an employee, constitutes good and sufficient cause for cancellation of license privileges.

(6) Nothing in this rule is intended disallow local officials from adopting ordinances that are more restrictive than the requirements outlined in this rule.

(7) If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-050, filed 2/26/01, effective 3/29/01.]