S-4528.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE SENATE BILL 6105**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2024 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Saldaña, Trudeau, Nguyen, Hunt, Lovelett, Pedersen, and C. Wilson)

AN ACT Relating to creating safer working conditions in adult entertainment establishments; amending RCW 49.17.470; adding a new section to chapter 49.46 RCW; and adding a new section to chapter 66.24 RCW.

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

**Sec.**  RCW 49.17.470 and 2019 c 304 s 1 are each amended to read as follows:

(1)(a) The department shall develop or contract for the development of training for entertainers. The training must include, but not be limited to:

(i) Education about the rights and responsibilities of entertainers, including with respect to working as an employee or independent contractor;

(ii) Reporting of workplace injuries, including sexual and physical abuse and sexual harassment;

(iii) The risk of human trafficking;

(iv) Financial aspects of the entertainer profession; and

(v) Resources for assistance.

(b) As a condition of receiving or renewing an adult entertainer license issued by a local government on or after July 1, 2020, an entertainer must provide proof that the entertainer took the training described in (a) of this subsection. The department must make the training reasonably available to allow entertainers sufficient time to take the training in order to receive or renew their licenses on or after July 1, 2020.

(2)(a) An adult entertainment establishment must provide training to its employees other than entertainers to minimize occurrences of unprofessional behavior and enable employees to support entertainers in times of conflict.

(b) An adult entertainment establishment must require all employees other than entertainers to take the training by January 1, 2025, or within 30 days of hiring for recorded content or 120 days of hiring for live courses, whichever is later, and at least every two years thereafter.

(c) The training content must be developed and provided by a third-party qualified professional with experience and expertise in personnel training. The training topics must include, but are not limited to:

(i) Preventing sexual harassment, sexual discrimination, and assault in the workplace;

(ii) Information on how to identify and report human trafficking;

(iii) Conflict deescalation between entertainers, other employees, and patrons; and

(iv) Providing first aid.

(d) An adult entertainment establishment must offer entertainers the ability to opt in to trainings offered under this subsection.

(e) The department may require annual reporting on training required under this subsection in a manner determined by the department.

(3) An adult entertainment establishment must provide ((~~a~~)) an accessible panic button in each room in the establishment in which an entertainer may be alone with a customer, and in bathrooms and dressing rooms. An entertainer may use the panic button if the entertainer has been harmed, reasonably believes there is a risk of harm, or there is ((~~an other~~)) another emergency in the entertainer's presence. The entertainer may cease work and leave the immediate area to await the arrival of assistance. The establishment must provide to the department, at least annually, proof of compliance with this subsection and maintenance records showing that panic buttons are maintained and checked to ensure they are in working condition.

((~~(3)~~)) (4)(a) An adult entertainment establishment must record the ((~~accusations~~)) allegations it receives that a customer has committed sex trafficking, prostitution, promotion of prostitution, or an act of violence, including assault, sexual assault, or sexual harassment, towards an entertainer. The establishment must make every effort to obtain the customer's name and if the establishment cannot determine the name, it must record as much identifying information about the customer as is reasonably possible. The establishment must retain a record of the customer's identifying information and written detail about the incident for at least five years after the most recent ((~~accusation~~)) allegation.

(b) If an ((~~accusation~~)) allegation involving a customer is supported by a statement made under penalty of perjury or other evidence, the adult entertainment establishment must decline to allow the customer to return to the establishment for at least three years after the date of the incident. The establishment must share the information about the customer with other establishments with common ownership and those establishments with common ownership must also decline to allow the customer to enter those establishments for at least three years after the date of the incident. No entertainer may be required to provide such a statement.

(c) An adult entertainment establishment must have a written process and procedure accessible to all employees and entertainers for submitting allegations involving a customer.

(d) An adult entertainment establishment must provide information collected under this section annually to the department.

((~~(4)~~)) (5) An adult entertainment establishment must provide at least one person on the premises during business hours whose primary duty is security. The department may adopt rules that require additional security persons based on additional factors including, but not limited to:

(a) The size of the establishment;

(b) The layout and floor plan of the establishment;

(c) The occupancy and patron volume;

(d) Security cameras and panic buttons; and

(e) The history of security events at the establishment.

(6) An adult entertainment establishment must:

(a) Provide appropriate cleaning supplies at all stage performance areas;

(b) Equip dressing or locker rooms for entertainers with a keypad requiring a code to enter; and

(c) Display signage at the entrance directing customers to resources on appropriate etiquette.

(7) An adult entertainment establishment must have written processes and procedures accessible to all employees and entertainers for:

(a) Responding to customer violence or criminal activity, including when police are called; and

(b) Ejecting customers who violate club policies, including intoxication or other inappropriate or illegal behavior.

(8) For the purposes of enforcement, except for subsection (1) of this section, this section shall be considered a safety or health standard under this chapter. The department must share information regarding violations of this section with the liquor and cannabis board.

((~~(5)~~)) (9) This section does not affect an employer's responsibility to provide a place of employment free from recognized hazards or to otherwise comply with this chapter and other employment laws.

((~~(6) The department shall convene an entertainer advisory committee to assist with the implementation of this section, including the elements of the training under subsection (1) of this section. At least half of the advisory committee members must be former entertainers who held or current entertainers who have held an adult entertainer license issued by a local government for at least five years. At least one member of the advisory committee must be an adult entertainment establishment which is licensed by a local government and operating in the state of Washington. The advisory committee shall also consider whether additional measures would increase the safety and security of entertainers, such as by examining ways to make the procedures described in subsection (3) of this section more effective and reviewing the fee structure for entertainers. If the advisory committee finds and recommends additional measures that would increase the safety and security of entertainers and that those additional measures would require legislative action, the department must report those recommendations to the appropriate committees of the legislature.~~

~~(7)~~)) (10) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Adult entertainment" means any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves an entertainer who:

(i) Is 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 any portion of the pubic region, anus, buttocks, vulva, or genitals; or

(ii) Touches, caresses, or fondles the ((~~breasts, buttocks, anus, genitals, or pubic region of another person, or permits the touching, caressing, or fondling of the entertainer's own breasts, buttocks, anus, genitals, or pubic region by another person, with the intent to sexually arouse or excite another person~~)) entertainer's own body.

(b) "Adult entertainment establishment" or "establishment" means any business to which the public, patrons, or members are invited or admitted where an entertainer provides adult entertainment to a member of the public, a patron, or a member.

(c) "Entertainer" means any person who provides adult entertainment within an adult entertainment establishment, whether or not a fee is charged or accepted for entertainment and whether or not the person is an employee under RCW 49.17.020.

(d) "Panic button" means an emergency contact device by which the entertainer may summon immediate on-scene assistance from another entertainer, a security guard, or a representative of the ((~~[adult]~~)) adult entertainment establishment.

NEW SECTION. **Sec.**  A new section is added to chapter 49.46 RCW to read as follows:

(1) No adult entertainment establishment may allow any person under the age of 18 on the premises.

(2) Any fee charged by an establishment to an entertainer must:

(a) Apply equally to all entertainers in a given establishment;

(b) Be stated in a written contract; and

(c) Continue to apply for a period of not less than three months with effective dates.

(3) An establishment may not charge an entertainer:

(a) Any fees or interest for late payment or nonpayment of any fee;

(b) A fee for failure to appear at a scheduled time;

(c) Any fees or interest that result in the entertainer carrying forward an unpaid balance from any fee incurred previously by the entertainer for access to or usage of the establishment premises;

(d) Any fee for access to or usage of the establishment premises in an amount greater than the entertainer receives during the period of access to or usage of the establishment premises; or

(e) Within an eight-hour period, any fee that exceeds:

(i) The lesser of $150 or 30 percent of amounts collected by the entertainer, excluding amounts collected for adult entertainment provided in a private performance area; plus

(ii) 30 percent of amounts collected by the entertainer for adult entertainment provided in a private performance area.

(4) This section does not prevent an establishment from providing leasing discounts or credits to encourage scheduling or charge leasing fees that vary based on the time of day.

(5) All establishments must display signage in areas designated for entertainers that entertainers are not required to surrender any tips or gratuities and an establishment may not take adverse action against an entertainer in response to the entertainer's use or collection of tips or gratuities.

(6) No establishment may refuse to provide an entertainer with written notice of the reason or reasons for any termination or refusal to rehire the entertainer. Such notice must be provided within 10 business days of the termination or refusal to rehire the entertainer.

(7) The department may enforce subsections (2) through (6) of this section under the provisions of this chapter and any applicable rules. Any amounts owed to an entertainer under this section may be enforced as a wage payment requirement under RCW 49.48.082. Any other violation may be enforced as an administrative violation under this chapter and any applicable rules. The department must share information regarding violations of this section with the liquor and cannabis board.

(8) The department may adopt rules to implement this chapter.

(9) The department must adjust the dollar amount in subsection (3)(e) of this section every two years, beginning January 1, 2027, based upon changes in the consumer price index during that time period.

(10) For purposes of this section:

(a) "Adult entertainment" has the same meaning as in RCW 49.17.470.

(b) "Adult entertainment establishment" or "establishment" has the same meaning as in RCW 49.17.470.

(c) "Entertainer" means any person who provides adult entertainment within an adult entertainment establishment, whether or not a fee is charged or accepted for entertainment and whether or not the person is an employee under RCW 49.46.010.

(d) "Leasing fee" means a fee, charge, or other request for money from an entertainer by an adult entertainment establishment in exchange for allowing an entertainer to conduct adult entertainment.

NEW SECTION. **Sec.**  A new section is added to chapter 66.24 RCW to read as follows:

(1) If an adult entertainment establishment has received a citation describing a violation of RCW 49.17.470 or section 2 of this act, or rules associated with these statutes, from the department of labor and industries, and has not abated the violation within the time period provided in the citation, the board:

(a) May not issue or reissue a liquor license to the establishment until the department of labor and industries affirms the violation has been abated; and

(b) Must suspend or cancel the establishment's existing liquor license until the department of labor and industries affirms the violation has been abated.

(2) An establishment licensed under this chapter may not allow persons under 21 years of age and must comply with all other age restrictions under this chapter and chapter 66.44 RCW.

(3) The board must modify or adopt rules to allow adult entertainment establishments to hold licenses under this chapter, subject to this section.

(4) For purposes of this section "adult entertainment establishment" or "establishment" has the same meaning as in RCW 49.17.470.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**