
ENGROSSED 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)

READ FIRST TIME 01/30/24.

1 AN ACT Relating to creating safer working conditions in adult
2 entertainment establishments; amending RCW 49.17.470; adding a new
3 section to chapter 49.46 RCW; and adding a new section to chapter
4 66.24 RCW.

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

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

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

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

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

16 (iii) The risk of human trafficking;

17 (iv) Financial aspects of the entertainer profession; and

18 (v) Resources for assistance.

19 (b) As a condition of receiving or renewing an adult entertainer
20 license issued by a local government on or after July 1, 2020, an
21 entertainer must provide proof that the entertainer took the training

1 described in (a) of this subsection. The department must make the
2 training reasonably available to allow entertainers sufficient time
3 to take the training in order to receive or renew their licenses on
4 or after July 1, 2020.

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

9 (b) An adult entertainment establishment must require all
10 employees other than entertainers to take the training by January 1,
11 2025, or within 30 days of hiring for recorded content or 120 days of
12 hiring for live courses, whichever is later, and at least every two
13 years thereafter.

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

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

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

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

23 (iv) Providing first aid.

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

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

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

1 ~~((3))~~ (4) (a) An adult entertainment establishment must record
2 the ~~((accusations))~~ allegations it receives that a customer has
3 committed sex trafficking, prostitution, promotion of prostitution,
4 or an act of violence, including assault, sexual assault, or sexual
5 harassment, towards an entertainer. The establishment must make every
6 effort to obtain the customer's name and if the establishment cannot
7 determine the name, it must record as much identifying information
8 about the customer as is reasonably possible. The establishment must
9 retain a record of the customer's identifying information and written
10 detail about the incident for at least five years after the most
11 recent ~~((accusation))~~ allegation.

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

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

25 (d) An adult entertainment establishment must provide information
26 collected under this subsection (4) annually to the department.
27 Records provided to the department under this subsection (4) are
28 deemed confidential and shall not be open to public inspection,
29 provided that the records shall be made available to law enforcement
30 or employees of governmental agencies in the performance of their
31 official duties, and to an entertainer or employee or their legal
32 representative.

33 ~~((4))~~ (5) An adult entertainment establishment must provide at
34 least one person on the premises during business hours whose primary
35 duty is security. The department may adopt rules that require
36 additional security persons based on additional factors including,
37 but not limited to:

38 (a) The size of the establishment;

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

40 (c) The occupancy and patron volume;

1 (d) Security cameras and panic buttons; and

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

3 (6) An adult entertainment establishment must:

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

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

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

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

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

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

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

22 ~~((5))~~ (9) This section does not affect an employer's
23 responsibility to provide a place of employment free from recognized
24 hazards or to otherwise comply with this chapter and other employment
25 laws.

26 ~~((6) The department shall convene an entertainer advisory~~
27 ~~committee to assist with the implementation of this section,~~
28 ~~including the elements of the training under subsection (1) of this~~
29 ~~section. At least half of the advisory committee members must be~~
30 ~~former entertainers who held or current entertainers who have held an~~
31 ~~adult entertainer license issued by a local government for at least~~
32 ~~five years. At least one member of the advisory committee must be an~~
33 ~~adult entertainment establishment which is licensed by a local~~
34 ~~government and operating in the state of Washington. The advisory~~
35 ~~committee shall also consider whether additional measures would~~
36 ~~increase the safety and security of entertainers, such as by~~
37 ~~examining ways to make the procedures described in subsection (3) of~~
38 ~~this section more effective and reviewing the fee structure for~~
39 ~~entertainers. If the advisory committee finds and recommends~~
40 ~~additional measures that would increase the safety and security of~~

1 ~~entertainers and that those additional measures would require~~
2 ~~legislative action, the department must report those recommendations~~
3 ~~to the appropriate committees of the legislature.~~

4 ~~(7))~~ (10) The definitions in this subsection apply throughout
5 this section unless the context clearly requires otherwise.

6 (a) "Adult entertainment" means any exhibition, performance, or
7 dance of any type conducted ~~((is))~~ within the view of one or more
8 members of the public inside a premises where such exhibition,
9 performance, or dance involves an entertainer, who ~~((is~~

10 ~~(i) is))~~ is unclothed or in such attire, costume, or clothing as
11 to expose to view any portion of the breast below the top of the
12 areola or any portion of the pubic region, anus, ~~((buttocks,))~~ vulva,
13 or genitals ~~((or~~

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

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

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

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

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.46
32 RCW to read as follows:

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

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

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

37 (b) Be stated in a written contract; and

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

1 (3) An establishment may not charge an entertainer:
2 (a) Any fees or interest for late payment or nonpayment of any
3 fee;
4 (b) A fee for failure to appear at a scheduled time;
5 (c) Any fees or interest that result in the entertainer carrying
6 forward an unpaid balance from any fee incurred previously by the
7 entertainer for access to or usage of the establishment premises;
8 (d) Any fee for access to or usage of the establishment premises
9 in an amount greater than the entertainer receives during the period
10 of access to or usage of the establishment premises; or
11 (e) Within an eight-hour period, any fee that exceeds:
12 (i) The lesser of \$150 or 30 percent of amounts collected by the
13 entertainer, excluding amounts collected for adult entertainment
14 provided in a private performance area; plus
15 (ii) 30 percent of amounts collected by the entertainer for adult
16 entertainment provided in a private performance area.
17 (4) This section does not prevent an establishment from providing
18 leasing discounts or credits to encourage scheduling or charge
19 leasing fees that vary based on the time of day.
20 (5) All establishments must display signage in areas designated
21 for entertainers that entertainers are not required to surrender any
22 tips or gratuities and an establishment may not take adverse action
23 against an entertainer in response to the entertainer's use or
24 collection of tips or gratuities.
25 (6) No establishment may refuse to provide an entertainer with
26 written notice of the reason or reasons for any termination or
27 refusal to rehire the entertainer. Such notice must be provided
28 within 10 business days of the termination or refusal to rehire the
29 entertainer.
30 (7) The department may enforce subsections (2) through (6) of
31 this section under the provisions of this chapter and any applicable
32 rules. Any amounts owed to an entertainer under this section may be
33 enforced as a wage payment requirement under RCW 49.48.082. Any other
34 violation may be enforced as an administrative violation under this
35 chapter and any applicable rules. The department must share
36 information regarding violations of this section with the liquor and
37 cannabis board.
38 (8) The department may adopt rules to implement this chapter.
39 (9) The department must adjust the dollar amount in subsection
40 (3)(e) of this section every two years, beginning January 1, 2027,

1 based upon changes in the consumer price index during that time
2 period.

3 (10) For purposes of this section:

4 (a) "Adult entertainment" has the same meaning as in RCW
5 49.17.470.

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

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

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

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 66.24
16 RCW to read as follows:

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

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

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

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

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

34 (4) The board shall repeal the rule currently codified as WAC
35 314-11-050 in its entirety. Repeal of this rule shall not be
36 construed to legalize conduct described in the rule which is
37 otherwise illegal under existing statutes in the Revised Code of
38 Washington.

1 (5) For purposes of this section "adult entertainment
2 establishment" or "establishment" has the same meaning as in RCW
3 49.17.470.

4 NEW SECTION. **Sec. 4.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

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