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**SENATE BILL 6105**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Saldaña, Trudeau, Nguyen, Hunt, Lovelett, Pedersen, and C. Wilson

Read first time 01/09/24. Referred to Committee on Labor & Commerce.

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 to minimize occurrences of unprofessional behavior  
7 and enable employees to support entertainers in times of conflict.

8 (b) An adult entertainment establishment must require all  
9 employees to take the training within 30 days of hiring, and at least  
10 every two years thereafter.

11 (c) The training content must be developed by a third party. The  
12 training topics must include, but are not limited to:

13 (i) Preventing sexual harassment;

14 (ii) Conflict de-escalation; and

15 (iii) Providing first aid.

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

27 ((3)) (4)(a) An adult entertainment establishment must record  
28 the accusations it receives that a customer has committed an act of  
29 violence, including assault, sexual assault, or sexual harassment,  
30 towards an entertainer. The establishment must make every effort to  
31 obtain the customer's name and if the establishment cannot determine  
32 the name, it must record as much identifying information about the  
33 customer as is reasonably possible. The establishment must retain a  
34 record of the customer's identifying information for at least five  
35 years after the most recent accusation.

36 (b) If an accusation is supported by a statement made under  
37 penalty of perjury or other evidence, the adult entertainment  
38 establishment must decline to allow the customer to return to the  
39 establishment for at least three years after the date of the  
40 incident. The establishment must share the information about the

1 customer with other establishments with common ownership and those  
2 establishments with common ownership must also decline to allow the  
3 customer to enter those establishments for at least three years after  
4 the date of the incident. No entertainer may be required to provide  
5 such a statement.

6 (c) An adult entertainment establishment must have a written  
7 process and procedure accessible to all employees and entertainers  
8 for submitting accusations.

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

11 ~~((4))~~ (5) An adult entertainment establishment must provide at  
12 least one person on the premises during business hours whose primary  
13 duty is security, and who has no other duties outside of security  
14 between the hours of 9:00 p.m. and 9:00 a.m. The department may adopt  
15 rules that require additional security persons based on additional  
16 factors including, but not limited to:

17 (a) The size of the establishment;

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

19 (c) The patron volume;

20 (d) Security cameras and panic buttons; and

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

22 (6) An adult entertainment establishment must:

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

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

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

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

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

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

36 (8) For the purposes of enforcement, except for subsection (1) of  
37 this section, this section shall be considered a safety or health  
38 standard under this chapter. The department may share enforcement and  
39 compliance with this section as necessary for the purposes of section  
40 3 of this act.

1       ~~((5))~~ (9) This section does not affect an employer's  
2 responsibility to provide a place of employment free from recognized  
3 hazards or to otherwise comply with this chapter and other employment  
4 laws.

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

23       ~~(7))~~ (10) The definitions in this subsection apply throughout  
24 this section unless the context clearly requires otherwise.

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

28       (i) Is unclothed or in such attire, costume, or clothing as to  
29 expose to view any portion of the breast below the top of the areola  
30 or any portion of the pubic region, anus, buttocks, vulva, or  
31 genitals; or

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

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

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

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

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

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

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

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

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

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

18 (3) An establishment may not charge an entertainer:

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

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

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

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

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

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

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

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

37 (5) All establishments must display signage in areas designated  
38 for entertainers that entertainers are not required to surrender any  
39 tips or gratuities and an establishment may not take adverse action

1 against an entertainer in response to the entertainer's use or  
2 collection of tips or gratuities.

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

8 (7) The department may enforce subsections (2) through (6) of  
9 this section under the provisions of this chapter and any applicable  
10 rules. Any amounts owed to an entertainer under this section may be  
11 enforced as a wage payment requirement under RCW 49.48.082. Any other  
12 violation may be enforced as an administrative violation under this  
13 chapter and any applicable rules. The department may share  
14 enforcement and compliance with this section as necessary for the  
15 purposes of section 3 of this act.

16 (8) The department may promulgate rules to implement this  
17 chapter.

18 (9) (a) No state agency or local government may adopt laws, rules,  
19 ordinances, or regulations that:

20 (i) Limit or prohibit an entertainer from collecting payment for  
21 adult entertainment from customers; and

22 (ii) Restrict an entertainer's proximity or distance from others  
23 before or during any exhibition, performance, or dance of any type,  
24 to the extent there is no sexual contact as defined under RCW  
25 9A.44.010.

26 (b) This subsection may not be construed to prohibit a local  
27 government from adopting ordinances or regulations that are more  
28 protective of entertainers than the requirements of this section.

29 (10) The department must adjust the dollar amount in subsection  
30 (3)(e) of this section every 10 years, beginning January 1, 2034,  
31 based upon changes in the consumer price index during that time  
32 period.

33 (11) For purposes of this section:

34 (a) "Adult entertainment" has the same meaning as in RCW  
35 49.17.470.

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

38 (c) "Entertainer" has the same meaning as in RCW 49.17.470.

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

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

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

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

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

17 (2) The board must adopt rules to implement this section.

18 (3) For purposes of this section "adult entertainment  
19 establishment" or "establishment" has the same meaning as in RCW  
20 49.17.470.

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

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