

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6105

68th Legislature
2024 Regular Session

Passed by the Senate March 5, 2024
Yeas 29 Nays 20

President of the Senate

Passed by the House February 27, 2024
Yeas 58 Nays 36

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6105** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6105

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

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; adding a new section to chapter 49.44
4 RCW; adding a new section to chapter 66.24 RCW; creating a new
5 section; and providing an effective date.

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

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

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

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

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

17 (iii) The risk of human trafficking;

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

19 (v) Resources for assistance.

20 (b) As a condition of receiving or renewing an adult entertainer
21 license issued by a local government on or after July 1, 2020, an

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

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

10 (b) An establishment must require all employees other than
11 entertainers to complete the training by the later of: (i) March 1,
12 2025; or (ii) within 30 days of hiring for recorded content or 120
13 days of hiring for live courses. Employees must complete the training
14 at least every two years thereafter.

15 (c) The training content must be developed and provided by a
16 third-party qualified professional with experience and expertise in
17 personnel training. If possible, the training should be designed for
18 use by adult entertainment establishments. When practicable, the
19 training must be translated if necessary for one or more non-English-
20 speaking employees to understand the training.

21 (d) The training topics must include, but are not limited to:

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

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

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

27 (iv) Providing first aid.

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

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

33 (3) An adult entertainment establishment must provide ((a)) an
34 accessible panic button in each room in the establishment in which an
35 entertainer may be alone with a customer, and in bathrooms and
36 dressing rooms. An entertainer may use the panic button if the
37 entertainer has been harmed, reasonably believes there is a risk of
38 harm, or there is ((an other)) another emergency in the entertainer's
39 presence. The entertainer may cease work and leave the immediate area
40 to await the arrival of assistance. The establishment must provide to

1 the department, at least annually, proof of compliance with this
2 subsection and maintenance records showing that panic buttons are
3 maintained and checked to ensure they are in working condition.

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

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

25 (c) An establishment must have written policies and procedures
26 for implementing the requirements of this subsection, which must
27 include a process for employees and entertainers to record
28 allegations involving a customer under this subsection. Upon the
29 request of the department, an establishment must make written
30 policies and procedures and any records under this subsection
31 available for inspection by the department.

32 ~~((4))~~ (5) An adult entertainment establishment must provide at
33 least one dedicated security person on the premises during operating
34 hours whose primary duty is security, including monitoring
35 interactions between entertainers and patrons. The department must
36 adopt rules for requiring security persons to not have duties other
37 than security during peak operating hours when necessary, and
38 requiring additional security persons when necessary. The rules must
39 take into account:

40 (a) The size of the establishment;

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

2 (c) The occupancy and patron volume;

3 (d) Security cameras and panic buttons;

4 (e) The history of security events at the establishment; and

5 (f) Other factors identified by the department.

6 (6) An adult entertainment establishment must:

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

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

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

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

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

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

20 (8)(a) For the purposes of enforcement, except for subsection (1)
21 of this section, this section shall be considered a safety or health
22 standard under this chapter.

23 (b) If an establishment is eligible for and applies for a license
24 under chapter 66.24 RCW and any applicable rules, the liquor and
25 cannabis board must notify the department. The department must
26 conduct an inspection of the establishment to verify compliance with
27 this section within 90 days of receipt of the notice under this
28 subsection. The department must share information regarding
29 violations of this section with the liquor and cannabis board.

30 (c) The liquor and cannabis board must notify the department if
31 it observes a violation of subsection (3), (5), or (6) of this
32 section on the premises of any establishment operating with a license
33 under chapter 66.24 RCW.

34 ~~((5))~~ (9) This section does not affect an employer's
35 responsibility to provide a place of employment free from recognized
36 hazards or to otherwise comply with this chapter and other employment
37 laws.

38 ~~((6) The department shall convene an entertainer advisory~~
39 ~~committee to assist with the implementation of this section,~~
40 ~~including the elements of the training under subsection (1) of this~~

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

16 ~~(7))~~ (10) The definitions in this subsection apply throughout
17 this section unless the context clearly requires otherwise.

18 (a) "Adult entertainment" means any exhibition, performance, or
19 dance of any type conducted ~~((in))~~ within the view of one or more
20 members of the public inside a premises where such exhibition,
21 performance, or dance involves an entertainer, who ~~((~~

22 ~~(i) Is))~~ is unclothed or in such attire, costume, or clothing as
23 to expose to view any portion of the breast below the top of the
24 areola or any portion of the pubic region, anus, ~~((buttocks,))~~ vulva,
25 or genitals ~~((; or~~

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

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

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

39 (d) "Panic button" means an emergency contact device by which the
40 entertainer may summon immediate on-scene assistance from another

1 entertainer, a security guard, or a representative of the (~~{adult}~~)
2 adult entertainment establishment.

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

5 (1) No adult entertainment establishment may allow any person
6 under the age of 18 on the premises. If an establishment serves
7 alcohol, the establishment may not allow any person under the age of
8 21 on the premises. This includes, but is not limited to, any
9 employee, entertainer, contractor, or customer.

10 (2) Any leasing fee or other fee charged by an establishment to
11 an entertainer must:

- 12 (a) Apply equally to all entertainers in a given establishment;
- 13 (b) Be stated in a written contract; and
- 14 (c) Continue to apply for a period of not less than three months
15 with effective dates.

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

- 17 (a) Any fees or interest for late payment or nonpayment of any
18 fee;
- 19 (b) A fee for failure to appear at a scheduled time;
- 20 (c) Any fees or interest that result in the entertainer carrying
21 forward an unpaid balance from any previously incurred leasing fee;
- 22 (d) Any leasing fee in an amount greater than the entertainer
23 receives during the applicable period of access to or usage of the
24 establishment premises; or

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

- 26 (A) The lesser of \$150 or 30 percent of amounts collected by the
27 entertainer, excluding amounts collected for adult entertainment
28 provided in a private performance area; and
- 29 (B) 30 percent of amounts collected by the entertainer for adult
30 entertainment provided in a private performance area.

31 (ii) If an establishment charges an entertainer a leasing fee,
32 the contract must include a method for estimating the total amount
33 collected by the entertainer in any eight-hour period for the
34 purposes of this subsection (e).

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

38 (5) All establishments must display signage in areas designated
39 for entertainers that entertainers are not required to surrender any

1 tips or gratuities and an establishment may not take adverse action
2 against an entertainer in response to the entertainer's use or
3 collection of tips or gratuities.

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

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

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

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

22 (10) For purposes of this section:

23 (a) "Adult entertainment" has the same meaning as in RCW
24 49.17.470.

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

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

31 (d) "Leasing fee" means a fee, charge, or other request for money
32 from an entertainer by an establishment in exchange for the
33 entertainer's access or use of the establishment premises or for
34 allowing an entertainer to conduct entertainment on the premises.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.44
36 RCW to read as follows:

37 (1) A city with a population of more than 650,000 or a county
38 with a population of more than 2,000,000 may not adopt or enforce
39 ordinances or regulations that:

1 (a) Limit or prohibit an entertainer from collecting payment for
2 adult entertainment from customers; or

3 (b) Restrict an entertainer's proximity or distance from others
4 before or after any adult entertainment, or restrict the customer's
5 proximity or distance from the stage during any adult entertainment,
6 so long as there is no contact between the dancers and customers.

7 (2) For the purposes of this section:

8 (a) "Entertainer" has the same meaning as in RCW 49.17.470.

9 (b) "Entertainment" has the same meaning as "adult entertainment"
10 in RCW 49.17.470.

11 (c) "Establishment" has the same meaning as "adult entertainment
12 establishment" in RCW 49.17.470.

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

15 (1) The board may not adopt a rule or enforce any such rule
16 restricting the exposure of body parts by any licensee under this
17 title, its employees or patrons, or any other person under the
18 control or direction of the licensee or an employee, or otherwise
19 restricting sexually oriented conduct of any licensee under this
20 title, its employees or patrons, or any other person under the
21 control or direction of the licensee or an employee.

22 (2) This section may not be construed to permit conduct that is
23 otherwise prohibited under other statutes in the Revised Code of
24 Washington.

25 NEW SECTION. **Sec. 5.** The liquor and cannabis board shall repeal
26 WAC 314-11-050 in its entirety. The liquor and cannabis board is
27 preempted from adopting any similar rule as provided under section 4
28 of this act.

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

33 NEW SECTION. **Sec. 7.** Sections 1 and 2 of this act take effect
34 January 1, 2025.

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