

WSR 24-18-123
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed September 4, 2024, 11:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-11-022.

Title of Rule and Other Identifying Information: Adult entertainer safety, chapter 296-831 WAC.

Hearing Location(s): On October 14, 2024, at 11:00 a.m., at the Department of Labor and Industries (L&I), 12806 Gateway Drive South, Tukwila, WA 98168. A prehearing overview will begin at 10:00 a.m. The hearing will start at 11:00 a.m. and will continue until all oral comments are received. This public hearing will be held jointly with L&I's division of fraud prevention and labor standards (FPLS); and on October 15, 2024, at 2:00 p.m., virtual and telephonic hearing. Join electronically <https://lni-wa-gov.zoom.us/j/87075679462?pwd=ePBjQ2wvAbvYdydgkD0fFPMVb4YIx7.1>; or join by phone (audio only) 253-205-0468 or 253-215-8782, Meeting ID 870 7567 9462, Passcode 140340150. A prehearing overview will begin at 1:00 p.m. The hearing will start at 2:00 p.m. and will continue until all oral comments are received. This public hearing will be held jointly with FPLS.

Date of Intended Adoption: December 2, 2024.

Submit Written Comments to: Cynthia Ireland, L&I, Division of Occupational Safety and Health (DOSH), P.O. Box 44620, Olympia, WA 98504-4620, email Cynthia.Ireland@lni.wa.gov, fax 360-902-5619, beginning September 5, 2024, at 8:00 a.m., by October 18, 2024, by 5:00 p.m.

Assistance for Persons with Disabilities: Contact Cynthia Ireland, phone 360-791-5048, fax 360-902-5619, email Cynthia.Ireland@lni.wa.gov, by October 7, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule making will implement the requirements of ESSB 6105, section 1, chapter 250, Laws of 2024, codified under RCW 49.17.470. Specifically, this rule making will address some of the following:

- Adds statutory requirement that an adult entertainment establishment provide training, inclusive of the training topics outlined in ESSB 6105, to its employees other than entertainers;
- Updates requirements that an adult entertainment establishment provide panic buttons to include they must be accessible, and adds statutory requirement to submit annual proof of compliance and panic button maintenance to L&I;
- Add statutory requirements for establishments to provide appropriate cleaning supplies, equip dressing or locker rooms with a keypad requiring a code, displaying signage about appropriate customer etiquette, and establishing written processes and procedures for responding to customer violence and ejecting customers who violate club policies;
- Add statutory requirement that an adult entertainment establishment have written policies and procedures for implementation of the block list and panic buttons requirements, and must make such policies, procedures, and any other related records available for inspection by L&I upon request;
- Add statutory requirements that an adult entertainment establishment provide dedicated security personnel, and specify when se-

curity personnel may not engage in duties other than security, and when additional security is necessary;

- Add statutory requirements that an adult entertainment establishment must provide dedicated security to monitor interactions between entertainers and patrons; and
- Other housekeeping amendments in chapter 296-831 WAC.

L&I's DOSH is required to implement and enforce ESSB 6105, which addresses safety and health standards for entertainers at adult entertainment establishments. ESSB 6105, codified as RCW 49.17.470, becomes effective January 1, 2025. L&I must adopt rules to implement and enforce the provisions of the law.

L&I's FPLS division is conducting rule making to clarify and implement the requirements of ESSB 6105 under chapter 49.46 RCW. The proposed rules also describe FPLS's enforcement mechanisms, including the complaint, investigation, citation, and appeals processes. The proposed rules also provide for remedies and penalties for violations of the rules. FPLS is engaging in simultaneous rule making.

Reasons Supporting Proposal: The proposed rule making is needed in order to meet RCW 49.17.470 and to provide additional worker protections.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.470.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Tracy West, Tumwater, Washington, 360-902-6954; Implementation and Enforcement: Craig Blackwood, Tumwater, Washington, 360-902-5828.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Cynthia Ireland, Administrative Regulations Analyst, L&I, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-791-5048, fax 360-902-5619, email Cynthia.Ireland@lni.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: See table below. The proposed language largely adopts the statutory amendments made by ESSB 6105 to RCW 49.17.470 without material change and makes housekeeping adjustments.

Scope of exemption for rule proposal:

Is partially exempt:

Explanation of partial exemptions: The below table lists all sections identified as exempt from analysis:

Proposed WAC Sections and Title	This proposed rule section is exempt (in whole or in part). Provide RCW to support this exemption.
WAC 296-831-200 Definitions.	RCW 34.05.310 (4)(c); the proposed language is fully exempt because it makes updates to definitions based on changes made by ESSB 6105 to RCW 49.17.470 or make housekeeping updates by updating subsection numbers.
WAC 296-831-250 General requirements.	RCW 34.05.310 (4)(c) and (4)(d); the proposed language is exempt because part of the amendment is adopting without material change language from WAC 296-831-100 relocating the information found in a note into the general rule language. Requirements remain the same.
WAC 296-831-300 Panic button requirements.	RCW 34.05.310 (4)(c) and (4)(d); the proposed language is partially exempt because it makes updates based on changes made by ESSB 6105 to RCW 49.17.470, moves exception language into a subsection format and moves a guidance checklist to the correct section.
WAC 296-831-310 Install an appropriate entertainer alarm system(s).	RCW 34.05.310 (4)(d); the proposed language is fully exempt because it makes updates based on changes made by ESSB 6105 to RCW 49.17.470, removes redundant language and amends language to make the section easier to read and understand.
WAC 296-831-450 Security personnel requirements.	RCW 34.05.310 (4)(c); the proposed language is partially exempt because it makes updates based on changes made by ESSB 6105 to RCW 49.17.470.
WAC 296-831-500 Customer complaint log requirements.	RCW 34.05.310 (4)(c) and (4)(d); the proposed language is fully exempt because it makes updates based on changes made by ESSB 6105 to RCW 49.17.470, and makes housekeeping updates.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. As outlined in the chart below, the rule does not impose more-than-minor administrative costs on adult entertainment establishments.

WAC 296-831-300(2)	Any potential costs would likely be minimal and administrative in nature, related to reviewing and synthesizing the entertainers' recommendations before finalizing the placement of panic buttons.
WAC 296-831-300(4)	The cost impact is negligible. This change adjusts the frequency of panic button testing to an annual basis, which may actually reduce costs if establishments were previously conducting more frequent tests.
WAC 296-831-300(5)	There is no associated cost. This language incorporates provisions from ESSB 6105, based on RCW 49.17.470(3), and clarifies the necessary documentation to be submitted as proof of compliance
WAC 296-831-400(4)	No additional cost is expected from this proposed language, as training records will be included in general recordkeeping, which is already required for establishments.
WAC 296-831-450(2)	No cost is anticipated. This language incorporates provisions from ESSB 6105 under RCW 49.17.470(5) and provides additional guidance on identifying peak operating hours, but does not put a specific requirement in place on how to determine when peak hours occur.
WAC 296-831-450(3)	No additional cost is expected. This language includes provisions from ESSB 6105 under RCW 49.17.470 (5)(a)-(e). Additionally, the factors outlined are part of a broader assessment required to determine the appropriate security-to-customer ratio. Establishments that do serve alcohol will need to consider the increase in potential security events caused by alcohol use when staffing security for both peak and non-peak hours.

September 4, 2024
 Joel Sacks
 Director

OTS-5782.1

AMENDATORY SECTION (Amending WSR 22-10-070, filed 5/3/22, effective 7/1/22)

WAC 296-831-100 Purpose and scope. This chapter applies to all adult entertainment establishments.

In addition to this chapter, chapter 296-800 WAC Safety and health core rules, chapter 296-24 WAC General safety and health standards, and chapter 296-62 WAC General occupational health standards contain safety and health rules that also apply to adult entertainment establishments. Similarly, other special industry focused chapters (e.g., chapter 296-832 WAC Late night retail worker crime prevention, chapter 296-155 WAC construction, etc.) and special hazard focused chapters (e.g., chapter 296-876 WAC ladders, chapter 296-880 WAC fall protection, etc.) complement the rules found in this chapter and may apply depending on operations being performed.

If a provision of this chapter conflicts with the general safety and health requirements identified above, the provisions of this chapter will prevail.

((Note: All of the requirements in this rule work in conjunction with the Accident Prevention Program (APP) rules in WAC 296-800-140 through 296-800-14025 within the safety and health core rules. Therefore, an adult entertainment establishment's fully compliant Accident Prevention Program (APP) will cover the following (in addition to other general safety and health considerations applicable to all businesses):
• Entertainer orientation on panic button location, use, and maintenance, if any;
• How to add a problematic customer to your complaint log/blocklist;
• How to report work-related hazards, injuries, unsafe conditions, or unsafe practices;
• The proper use and care of personal protective equipment (PPE); and
• What to do in an emergency, including how to leave the workplace.
Adult entertainment establishments are also required to regularly hold safety and health meetings for the purpose of communicating and evaluating safety and health issues in the workplace, including the evaluation of your APP to determine whether improvements are necessary to ensure that it is effective in practice. Specific requirements differ somewhat between large and small employers. See WAC 296-800-130 Safety committees/safety meetings—Summary, for details.))

AMENDATORY SECTION (Amending WSR 22-10-070, filed 5/3/22, effective 7/1/22)

WAC 296-831-200 Definitions. ((Note:)) The definitions below exclusively apply to this chapter.

(1) Adult entertainment. Any exhibition, performance, or dance of any type conducted ~~((in))~~ within the view of one or more members of the public inside a premises where such exhibition, performance, or dance involves an entertainer who ~~((:~~

~~((a))~~ 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~~

~~((b) 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))~~ an intent to sexually arouse or excite another person.

(2) Adult entertainment establishment or establishment. 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.

(3) Department. The department of labor and industries.

(4) **Entertainer.** 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.

(5) **Panic button.** 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 entertainment establishment.

NEW SECTION

WAC 296-831-250 General requirements. (1) Adult entertainment establishments must have a written accident prevention program (APP) that addresses requirements in WAC 296-800-140 through 296-800-14025. An establishment's APP must cover the following (in addition to other general safety and health considerations applicable to all businesses):

(a) Entertainer orientation on panic button location, use, and maintenance, if any;

(b) Adding a problematic customer to the establishment's complaint log/blocklist, in accordance with WAC 296-831-500;

(c) Reporting work-related hazards, injuries, unsafe conditions, or unsafe practices;

(d) The proper use and care of personal protective equipment (PPE); and

(e) What to do in an emergency, including how to leave the workplace.

(2) An establishment must regularly hold safety and health meetings, in accordance with WAC 296-800-130 Safety committees/safety meetings—Summary. Safety meetings are to be used to communicate and evaluate safety and health issues in the workplace, including the evaluation of the establishment's APP. Safety committee/safety meetings may also be used to:

(a) Determine locations of panic buttons as required in WAC 296-831-300; and

(b) Determine alternative types of panic buttons as allowed in WAC 296-831-300(3).

(3) An establishment must:

(a) Provide appropriate cleaning supplies at all stage performance areas. A nonexhaustive list of examples of appropriate cleaning supplies is available for reference on the department's website. Employers are required to follow all applicable rules for chemical use including requirements for a hazard communication program under chapter 296-901 WAC, and potential exposure to bloodborne pathogens or other potentially infectious materials under chapter 296-823 WAC;

(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. Resources can include a list of requirements developed by the establishment which addresses appropriate customer etiquette, and is conspicuously posted in various locations throughout the establishment;

(4) An 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.

AMENDATORY SECTION (Amending WSR 22-10-070, filed 5/3/22, effective 7/1/22)

WAC 296-831-300 Panic button requirements. (1) Adult entertainment establishments 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 another emergency in the entertainer's presence. The entertainer may cease work and leave the immediate area to await the arrival of assistance.

(2) For the purposes of this chapter, the accessibility of a panic button must be determined in coordination with, and based on, recommendations provided by entertainers on the appropriate location for placement of a panic button based on the entertainer's point of use.

(3) Panic buttons, and their associated alarm(s), must be silent (discreet) at the entertainer's point of use, while still effectively alerting whomever ((you have)) the establishment has determined to be responsible for responding to emergencies. Panic buttons that trigger a recognizable (audible/visual/tactile) alarm at the entertainer's point of use may be used in specific locations within an establishment where alarms are required only if:

(a) The establishment has assessed its business operations and alarm system with the required safety and health committee (see WAC 296-800-130 Safety committees/safety meetings—Summary); and

(b) The committee has unanimously determined that such an alarm would be more effective for a particular location within the establishment where an alarm is required. In such cases, this determination is limited to a particular location within the establishment and must be documented along with other required safety committee documentation.

((Exception: Panic buttons that trigger a recognizable (audible/visual/tactile) alarm at the entertainer's point of use may be used in specific locations within an establishment where alarms are required but only if you have assessed your business operations and alarm system with your required safety and health committee (see WAC 296-800-130 Safety committees/safety meetings—Summary) and the committee has unanimously determined that such an alarm would be more effective for a particular location within your establishment where an alarm is required. In such cases, this determination is limited to a particular location within your establishment and must be documented along with other required safety committee documentation.

~~(3) Adult entertainment))~~ (4) Establishments must test and maintain ((your)) its alarm system regularly to ensure that it will function as intended when needed.

~~(a) Testing must be performed at least annually ((, or at whatever interval is recommended by the alarm system manufacturer (this information is typically found in the owner's manual)))~~.

~~(b) ((Adult entertainment))~~ Establishments must keep a record that includes the dates of all testing or maintenance performed and any pertinent details, such as errors corrected or adjustments made.

((Note: Appendix A contains a nonmandatory panic button checklist that adult entertainment establishments can use to assist in identifying panic button and response procedure related hazards in their workplace, and to aid establishments in evaluating what performance criteria will address the violence-based hazards in their establishment.)

(5) By July 1st of each year, establishments must submit to the department proof of compliance with the requirements of subsections

(1), (2), and (4) of this section. The information submitted to the department must include:

- (a) Name and address of the adult entertainment establishment;
 - (b) Unified business identifier number;
 - (c) A list, map, or other visual of the establishment, containing the locations of all panic buttons in the establishment; and
 - (d) Maintenance records demonstrating that panic buttons have been maintained and are confirmed to be in working condition.
- (6) A sample panic button checklist that establishments can use to assist in identifying panic button and response procedure related hazards in their workplace, and to aid establishments in evaluating what performance criteria will address the violence-based hazards in their establishment, is provided below:

PANIC BUTTON CHECKLIST		
<u>If the response to <i>any</i> of the following questions in this checklist is "NO," and if no other alternative hazard controls are in place for the identified hazard, panic buttons are likely not effective.</u>		
<u>Do panic buttons and panic buttons systems exclusively rely on establishment owned/leased/etc., equipment or services?</u>	<u>YES</u>	<u>NO</u>
<u>The above covers the complete chain of events from the initial signaling at the entertainer's point of use through notification and to response from the establishment. The rule does not prohibit entertainer owned devices supplementing the devices provided by establishment (e.g., as a backup method).</u>		
<u>Do panic buttons require only a single action to activate (such as a single push/pull/tap, etc.)?</u>	<u>YES</u>	<u>NO</u>
<u>Panic buttons which require multiple actions (such as using a number pad to unlock/dial a cell phone, or selecting a channel/frequency on a portable radio, or pressing a button and then speaking) would require an entertainer to extend their exposure to a hazard in order to seek relief from it.</u>		
<u>Do panic buttons and the associated signal or alarm latch?</u>	<u>YES</u>	<u>NO</u>
<u>Once triggered, panic buttons alarms continue to both alarm and identify the location of the used panic button(s) without requiring ongoing action of the entertainer. Panic buttons requiring ongoing actions of the entertainer (continued holding/pressing, etc.) would require an entertainer to extend their exposure to a hazard in order to seek relief from it.</u>		
<u>Do panic buttons systems resist tampering?</u>	<u>YES</u>	<u>NO</u>
<u>Once triggered, panic buttons alarms are not easily reset at the panic button (entertainer's point of use) itself, especially using the same action that activated it. Panic buttons which can be readily turned off or reset by customers would delay response actions and allow continued exposure to the hazard.</u>		
<u>Do panic buttons reduce or minimize inadvertent activation or false alarms?</u>	<u>YES</u>	<u>NO</u>
<u>False alarms increase the likelihood of delayed, deprioritized, or ignored alarms. Buttons, switches, etc., which are protected, shouldered, recessed, or flush with top surface/bracket/etc. reduce the likelihood of false alarms.</u>		
<u>Do panic buttons systems identify the location of the triggered panic buttons?</u>	<u>YES</u>	<u>NO</u>
<u>Uncoordinated response to panic buttons increases the likelihood of response actions being delayed or otherwise inadequate.</u>		
<u>Do panic buttons trigger distinct alarms?</u>	<u>YES</u>	<u>NO</u>
<u>If an establishment's panic button response procedures dictate that after the triggering of a panic button, uninvolved entertainers should continue entertaining while the establishment conducts response activities; then panic buttons alarm systems (and response procedures) would need to continue to fully function during an alarm (or multiple alarms). Indistinct alarms, or alarms where the establishment cannot identify/respond to multiple simultaneous alarms, increase the likelihood of response actions being delayed or otherwise inadequate.</u>		
<u>Do panic buttons alarms produce recognizable signals to perform actions under the APP, Emergency Action Plan, etc.?</u>	<u>YES</u>	<u>NO</u>

<p><u>At the establishment's point of reception, alarms must be recognizable in the conditions under which they will be used. The following can obscure alarms sufficiently enough to make an alarm unrecognizable:</u></p> <ul style="list-style-type: none"> - Areas subject to noise/music at volumes equal or above the volume of an alarm; - Areas subject to strobing lighting equal or above the amount of illumination of an alarm; - Areas with sufficient distance, intermediary materials, or the room/building configuration itself, impairs alarm signals to the point that they are no longer recognizable. <p><u>At the entertainer's point of use, panic buttons may be either discreet, or produce an audible alarm. Discreet panic buttons reduce the likelihood of escalating a confrontation towards violence, but simultaneously prevent other entertainers and personnel in the area from knowing a panic button was triggered. Regardless of which method is used, associated hazards must be further mitigated such as via a multistage alarm (normally discreet, only audible if alarm malfunction, etc.), multicomponent alarm (using notification lights, rather than audible alarms, within adjacent booths/rooms/etc., in conjunction with indicator light(s) outside booth/room/etc., to signal and locate the use of a panic button).</u></p>		
<p>Are panic buttons provided by the establishment in each room in the establishment in which entertainers may be alone with a customer, and in bathrooms and dressing rooms?</p>	<p>YES</p>	<p>NO</p>
<p>For the purposes of this question, "alone" means outside of direct line-of-sight of other establishment personnel, entertainers, employees, etc., such as in private or semi-private booths, rooms, etc.</p>		
<p>Are panic buttons that are permanently installed in the workplace, located within immediate reach?</p>	<p>YES</p>	<p>NO</p>
<p>Panic buttons must be kept free of obstacles blocking their use (doors, furniture, mop buckets, boxes, coat racks, etc.).</p>		
<p>Are panic buttons in good working order? If not, are entertainers informed of, and excluded from, areas lacking required panic buttons protection (e.g. during power loss, wireless service loss, etc.)?</p>	<p>YES</p>	<p>NO</p>
<p>Keep a record of, and inform entertainers of, nonfunctional/improperly working panic buttons until replaced or repaired.</p> <ul style="list-style-type: none"> - Use signage or otherwise inform entertainers prior to working; and - Use written procedures and policies in Accident Prevention Plan that prohibit or restrict access to relevant areas. 		

AMENDATORY SECTION (Amending WSR 22-10-070, filed 5/3/22, effective 7/1/22)

WAC 296-831-310 Install an appropriate entertainer alarm system(s). (1) Adult entertainment establishments must make sure that an alarm system, with a distinctive (not confused with fire alarm, etc.) signal, is installed for the purposes of communicating entertainer violence related emergencies to employer-designated responders.

(2) (~~Adult entertainment~~) Establishments must make sure alarm systems:

(a) Communicate the use/triggering of panic buttons.

(b) Identify the location of all panic buttons which have been used/triggered.

(c) Latch, or continue to both communicate the use/triggering of panic buttons, and identify the location of panic buttons which have been used/triggered, without requiring ongoing action(s) of the person that used the panic button. For example, entertainers must not be required to hold a button down to keep the alarm triggering.

(d) Are recognizable above surrounding noise (~~and/or~~) and light levels by establishment designated responder(s) in all relevant portions of the establishment in which designated responders are acting in this role. Areas far enough away from an alarm, or where building materials or walls are in the alarms path, may reduce the effectiveness of the alarm to the point that it is no longer recognizable.

(3) For the purposes of this rule, panic button alarm systems can be categorized based on whether the entertainer's point of use features a silent (discreet), or a recognizable (audible/visual/tactile) alarm from the entertainer's and customer's perspective. Discreet panic buttons reduce the likelihood of escalating a confrontation towards

violence, but at the same time prevent other entertainers and personnel in the area from knowing a panic button was used/triggered. (~~(See WAC 296-831-300(2) and the exception immediately following it for specific requirements regarding silent (discreet) vs. recognizable (audible/visual/tactile) alarm systems.)~~) Regardless of which method is used, associated hazards must be further mitigated by implementing either of the below, or a similarly protective, strategy:

(a) A multistage alarm (normally discreet at the panic button point of use, but switches to audible/recognizable at the point of use if the alarm system detects a malfunction that would prevent response actions); or

(b) A multicomponent alarm (discreet at the panic button point of use, but nonaudible alarm components (lights, etc.)) provided within adjacent booths/rooms/etc., and above/adjacent/on the entrance to booth(s)/room(s)/etc., to communicate to designated responders both the use, and location, of a panic button alarm in the area.

AMENDATORY SECTION (Amending WSR 22-10-070, filed 5/3/22, effective 7/1/22)

WAC 296-831-400 Training requirements. (1) Adult entertainment establishments must train entertainers on the following, prior to their work as entertainers (~~((for more information related to customer complaint logs/blocklists see WAC 296-831-500))~~).

(a) The location and type of panic buttons used in the establishment (audible/discreet at the point of use).

(b) How to use panic button(s).

(c) Proper scenarios for use of panic button(s).

(d) What, if any, are the limitations of the panic button(s) and/or alarm system(s) - Under what circumstances could the panic button(s) and alarm system(s) fail and what are entertainers expected to do in these scenarios.

(e) The location and purpose of both the customer complaint log and blocklist.

(f) What scenarios are appropriate for listing customers in both the complaint log and blocklist.

(g) What steps entertainers must take to have customers added to blocklist and/or customer complaint log. For more information related to customer complaint logs/blocklists, see WAC 296-831-500.

(2) Adult entertainment establishments designate and train responders on the following prior to their work as designated responders (~~((for more information related to customer complaint logs/blocklists see WAC 296-831-500))~~):

(a) The location and type of panic buttons used in the establishment (-);

(b) How to recognize panic button alarms (?);

(c) ~~((What, if any, are))~~ The limitations of the panic button(s) and/or alarm system(s) ~~((Under what))~~, the circumstances ~~((could))~~ under which the panic button(s) and alarm system(s) could fail, and what ~~((are))~~ responders are expected to do in these scenarios (?);

(d) ~~((What are))~~ The duties assigned to designated responders ~~((assigned duties))~~ following the use of a panic button (?);

(e) How ~~((do))~~ designated responders perform assigned duties following the use of a panic button (?);

(f) The location and purpose of both the customer complaint log and blocklist((-));

(g) What scenarios are appropriate for listing customers in both the complaint log and blocklist((-)); and

(h) What steps designated responders must take to have customers added to blocklist and/or customer complaint log. For more information related to customer complaint logs/blocklists, see WAC 296-831-500.

(3) An 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.

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

(b) The training content must be developed and provided by a third-party qualified professional with experience and expertise in personnel training. A third-party qualified professional is defined as one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated their ability to effectively train on the topics outlined in (c) of this subsection, and who does not have an interest, financial or otherwise, direct or indirect, in the establishment for which the training is being provided, or any establishments with common ownership. If possible, the training should be designed for use by adult entertainment establishments. When practicable, the training must be translated if necessary for one or more non-English speaking employees to understand the training.

(c) 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 establishment must offer entertainers the ability to opt in to trainings offered under this subsection.

(4) Upon the request of the department, an establishment must provide proof of compliance with the requirements under this section for inspection by the department.

NEW SECTION

WAC 296-831-450 Security personnel requirements. (1) An adult entertainment establishment must provide at least one dedicated security person on the premises during operating hours whose primary duty is security, including monitoring interactions between entertainers and customers.

(2) During peak operating hours, security personnel cannot have duties other than security. Peak operating hours includes the times of the day, and days of the week, when customer volume at the establishment is the highest. Establishments must have a method for determining peak operating hours, and can utilize information such as a log of day-to-day customer volume, electronic point of sale activity in the

establishment, or other mechanism that a club utilizes to track customer volume from the preceding 90-day period.

(3) Establishments must assess when the need for additional security personnel exists. This need could occur outside of the established peak operating hours, and the assessment of any such need must take into consideration any events or activities occurring in the establishment which could yield a reasonable expectation of an increase in customer volume. When determining the appropriate number of security personnel, establishments must also consider:

(a) The size of the establishment, such as total square footage;

(b) The layout and floor plan of the establishment, such as line of sight between security personnel and entertainers, and areas of the establishment accessible by customers;

(c) The occupancy and customer volume, such as the occupancy rating, and average customer volume from the preceding 90-day period. A 25:1 ratio of customers to security personnel will be deemed to be in compliance with this requirement;

(d) Security cameras and panic buttons, such as the number of security cameras operational on the premises of the establishment, how comprehensively security cameras capture the premises, and how security cameras and panic buttons are monitored by staff in the establishment;

(e) The history of security events at the establishment, such as the number of reports filed with law enforcement, and the number of customers added to the blocklist, in the preceding 90-day period; and

(f) Whether the establishment currently holds any license issued under chapter 66.24 RCW.

(4) If a security issue arises outside of peak operating hours, the dedicated security personnel required under subsection (1) of this section must be immediately relieved of any additional duties and be available to provide immediate assistance to entertainers.

AMENDATORY SECTION (Amending WSR 22-10-070, filed 5/3/22, effective 7/1/22)

WAC 296-831-500 Customer complaint log requirements. (1) Adult entertainment establishments 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.

(2) 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))~~ add the customer to the blocklist and must prohibit the customer ~~((to return))~~ from returning to the establishment ~~((to blocklist))~~ for at least three years after the date of the incident. In addition to statements made under penalty of perjury, any other evidence brought forth to an employer that a customer has committed an act of violence, including assault, sexual assault, or sexual harassment towards an en-

ertainer, should be considered credible and trigger the employer to take action as required under the customer complaint log requirements. 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))~~ add the customer to their blocklists and must prohibit the customer ((to enter)) from entering those establishments ((-blocklist-)) for at least three years after the date of the incident. No entertainer may be required to provide such a statement.

((Note: Appendix B contains a standard declaration template that can be used to make a statement under penalty of perjury. In addition to statements made under penalty of perjury, any other evidence brought forth to an employer that a customer has committed an act of violence, including assault, sexual assault, or sexual harassment towards an entertainer, should be considered credible and trigger the employer to take action as required under the customer complaint log requirements above unless the employer can provide a rational explanation why they do not deem the evidence credible.

Appendix A

PANIC BUTTON CHECKLIST		
If the response to <i>any</i> of the following questions in this checklist is "NO," and if no other alternative hazard controls are in place for the identified hazard, panic buttons are likely not effective.		
Do panic buttons and panic buttons systems exclusively rely on establishment owned/leased/etc., equipment or services?	YES	NO
The above covers the complete chain of events from the initial signaling at the entertainer's point of use through notification and to response from the establishment. The rule does not prohibit entertainer owned devices supplementing the devices provided by establishment (e.g., as a backup method).		
Do panic buttons require only a single action to activate (such as a single push/pull/tap, etc.)?	YES	NO
Panic buttons which require multiple actions (such as using a number pad to unlock/dial a cell phone, or selecting a channel/frequency on a portable radio, or pressing a button and then speaking) would require an entertainer to extend their exposure to a hazard in order to seek relief from it.		
Do panic buttons and the associated signal or alarm latch?	YES	NO
Once triggered, panic buttons alarms continue to both alarm and identify the location of the used panic button(s) without requiring ongoing action of the entertainer. Panic buttons requiring ongoing actions of the entertainer (continued holding/pressing, etc.) would require an entertainer to extend their exposure to a hazard in order to seek relief from it.		
Do panic buttons systems resist tampering?	YES	NO
Once triggered, panic buttons alarms are not easily reset at the panic button (entertainer's point of use) itself, especially using the same action that activated it. Panic buttons which can be readily turned off or reset by customers would delay response actions and allow continued exposure to the hazard.		
Do panic buttons reduce or minimize inadvertent activation or false alarms?	YES	NO
False alarms increase the likelihood of delayed, deprioritized, or ignored alarms. Buttons, switches, etc., which are protected, shouldered, recessed, or flush with top surface/bracket/etc. reduce the likelihood of false alarms.		
Do panic buttons systems identify the location of the triggered panic buttons?	YES	NO
Uncoordinated response to panic buttons increases the likelihood of response actions being delayed or otherwise inadequate.		
Do panic buttons trigger distinct alarms?	YES	NO
If an establishment's panic button response procedures dictate that after the triggering of a panic button, uninvolved entertainers should continue entertaining while the establishment conducts response activities, then panic buttons alarm systems (and response procedures) would need to continue to fully function during an alarm (or multiple alarms). Indistinct alarms, or alarms where the establishment cannot identify/respond to multiple simultaneous alarms, increase the likelihood of response actions being delayed or otherwise inadequate.		

Do panic buttons alarms produce recognizable signals to perform actions under the APP, Emergency Action Plan, etc.?	YES	NO
At the establishment's point of reception, alarms must be recognizable in the conditions under which they will be used. The following can obscure alarms sufficiently enough to make an alarm unrecognizable: <ul style="list-style-type: none"> - Areas subject to noise/music at volumes equal or above the volume of an alarm; - Areas subject to strobing lighting equal or above the amount of illumination of an alarm; - Areas with sufficient distance, intermediary materials, or the room/building configuration itself, impairs alarm signals to the point that they are no longer recognizable. At the entertainer's point of use, panic buttons may be either discreet, or produce an audible alarm. Discreet panic buttons reduce the likelihood of escalating a confrontation towards violence, but simultaneously prevent other entertainers and personnel in the area from knowing a panic button was triggered. Regardless of which method is used, associated hazards must be further mitigated such as via a multistage alarm (normally discreet, only audible if alarm malfunction, etc.); multicomponent alarm (using notification lights, rather than audible alarms, within adjacent booths/rooms/etc., in conjunction with indicator light(s) outside booth/room/etc., to signal and locate the use of a panic button).		
Are panic buttons provided by the establishment in each room in the establishment in which entertainers may be alone with a customer, and in bathrooms and dressing rooms?	YES	NO
For the purposes of this question, "alone" means outside of direct line-of-sight of other establishment personnel, entertainers, employees, etc., such as in private or semi-private booths, rooms, etc.		
Are panic buttons that are permanently installed in the workplace, located within immediate reach?	YES	NO
Panic buttons must be kept free of obstacles blocking their use (doors, furniture, mop buckets, boxes, coat racks, etc.).		
Are panic buttons in good working order? If not, are entertainers informed of, and excluded from, areas lacking required panic buttons protection (e.g. during power loss, wireless service loss, etc.)?	YES	NO
Keep a record of, and inform entertainers of, nonfunctional/improperly working panic buttons until replaced or repaired. <ul style="list-style-type: none"> - Use signage or otherwise inform entertainers prior to working; and - Use written procedures and policies in Accident Prevention Plan that prohibit or restrict access to relevant areas. 		

Appendix B)

(3) An establishment must have written policies and procedures for implementing the requirements of this subsection, which must include a process for employees and entertainers to record allegations involving a customer under this subsection. These policies and procedures may be a part of the establishments APP. Upon the request of the department, an establishment must make written policies and procedures and any records under this section available for inspection by the department.

(4) A standard declaration template that can be used to make a statement under penalty of perjury is provided below:

Declaration of: _____
(Type or print your name here)

_____ declares as follows:
(Type or print your name)

I am over the age of eighteen, and I am otherwise competent to testify. I make these statements based on personal knowledge and belief.

(Insert your statement here describing what happened)

I declare under penalty of perjury of the laws of the State of Washington the foregoing is true and correct.

DATED this ____ day of _____ 20____, in _____, Washington.
(##) (Month) (Year) (Name of city/town)

(Sign above)

(Type or print your name)