

# SENATE BILL REPORT

## SB 5209

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As of January 23, 1997

**Title:** An act relating to standards of conduct for adult cabarets and adult theaters.

**Brief Description:** Regulating adult cabarets and adult movie theaters.

**Sponsors:** Senators Fairley, Roach, Hargrove, Patterson, Goings, Rasmussen, Haugen, Wojahn, Franklin, Winsley and Oke.

**Brief History:**

**Committee Activity:** Law & Justice: 1/27/97.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Mychal Schwartz (786-7444)

**Background:** Presently there are no statutes regulating the standards of conduct for adult cabarets and theaters. Adult cabarets and theaters feature entertainment involving nudity or seminudity, or the depiction of sexual acts. Sexually oriented expression is protected under the federal and state constitutions. However, it is not beyond regulation. Regulating without unduly restraining protected expression is permissible when it is aimed at curbing adverse secondary affects.

It has been suggested that regulating these businesses would decrease the amount of illegal activities that occur on these premises.

**Summary of Bill:** A new chapter is created for the regulation of adult entertainment businesses which establishes standards of conduct for employees, entertainers and customers of adult cabarets and adult theaters. Adverse secondary effects of adult entertainment in and around the areas where it is conducted are explicitly targeted.

No entertainers may appear nude or seminude in any part of the premises open to the public except the performance area. No person may engage in any type of sexual conduct, and physical contact between customers and entertainers is prohibited. Specific instructions about the layout of the performance areas, public seating, and common access areas are included. Although tipping is allowed, any such gratuity must be placed into a receptacle provided by the management of the establishment. Gratuities may not be given directly to an entertainer. No person may maintain any kind of warning system to alert the customers and employees that the police, health, fire or building inspectors or other public officials are approaching.

In adult entertainment establishments, at least one employee who is not working as an entertainer must be present in any public area during all hours of operation. Except for public restrooms, no door available for public use may be locked during business hours. Minimum levels of lighting are established with the requirement that all objects are plainly visible.

Scientific or educational courses or performances which are not obscene are not prohibited. Cities and counties may adopt ordinances that are more or less restrictive than the state standard.

This chapter contains a severability clause. Violation of this statute is a misdemeanor.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.