

HB 1756 - H AMD 156

By Representative Orwall

ADOPTED 03/05/2019

1 Strike everything after the enacting clause and insert the
2 following:

3
4 "NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17
5 RCW to read as follows:

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

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

12 (ii) Reporting of workplace injuries, including sexual and
13 physical abuse and sexual harassment;

14 (iii) The risk of human trafficking;

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

16 (v) Resources for assistance.

17 (b) As a condition of receiving or renewing an adult entertainer
18 license issued by a local government, an entertainer must provide
19 proof that the entertainer took the training described in (a) of
20 this subsection.

21 (2) An adult entertainment establishment must provide a panic
22 button in each room in the establishment in which an entertainer may
23 be alone with a customer, and in bathrooms and dressing rooms. An
24 entertainer may use the panic button if the entertainer has been
25 harmed, reasonably believes there is a risk of harm, or there is an
26 other emergency in the entertainer's presence. The entertainer may
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1 cease work and leave the immediate area to await the arrival of
2 assistance.

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

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

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

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

28 (6) The department shall convene an entertainer advisory
29 committee to assist with the implementation of this section,
30 including the elements of the training under subsection (1) of this
31 section. At least half of the advisory committee members must be
32 former entertainers who held or current entertainers who have held
33 an adult entertainer license issued by a local government for at
34 least five years. The advisory committee shall also consider whether

1 additional measures would increase the safety and security of
2 entertainers, such as by examining ways to make the procedures
3 described in subsection (3) of this section more effective and
4 reviewing the fee structure for entertainers. If the advisory
5 committee finds and recommends additional measures that would
6 increase the safety and security of entertainers and that those
7 additional measures would require legislative action, the department
8 must report those recommendations to the appropriate committees of
9 the legislature.

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

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

15 (i) Is unclothed or in such attire, costume, or clothing as to
16 expose to view any portion of the breast below the top of the areola
17 or any portion of the pubic region, anus, buttocks, vulva, or
18 genitals; or

19 (ii) Touches, caresses, or fondles the breasts, buttocks, anus,
20 genitals, or pubic region of another person, or permits the
21 touching, caressing, or fondling of the entertainer's own breasts,
22 buttocks, anus, genitals, or pubic region by another person, with
23 the intent to sexually arouse or excite another person.

24 (b) "Adult entertainment establishment" or "establishment" means
25 any business to which the public, patrons, or members are invited or
26 admitted where an entertainer provides adult entertainment to a
27 member of the public, a patron, or a member.

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

32 (d) "Panic button" means an emergency contact device by which
33 the entertainer may summon immediate on-scene assistance from
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1 another entertainer, a security guard, or a representative of the
2 entertainment establishment."

3 Correct the title.

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EFFECT: (1) Provides that the panic buttons must be in specified rooms, rather than provided to and carried by an entertainer. Changes the circumstances in which a panic button may be used from the entertainer reasonably believing there is ongoing crime, harassment, or other emergency to if the entertainer has been harmed, reasonably believes there is a risk of harm, or there is an other emergency. Removes the reference to "perceived danger."

(2) Requires the training to include the financial aspects of the entertainer profession. Requires an entertainer to provide proof of having taken the training, rather than sign an affidavit.

(3) Requires at least half of the advisory committee members to be former or current entertainers who have held an entertainer license for at least five years. Requires the committee to also consider whether additional measures would increase the safety and security of entertainers, such as by examining ways to make the list and ban on accused customers more effective and reviewing the fee structure for entertainers.

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