

EHB 1756 - S COMM AMD
By Committee on Labor & Commerce

ADOPTED AND ENGROSSED 4/10/19

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

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

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

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

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

13 (iii) The risk of human trafficking;

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

15 (v) Resources for assistance.

16 (b) As a condition of receiving or renewing an adult entertainer
17 license issued by a local government on or after July 1, 2020, an
18 entertainer must provide proof that the entertainer took the training
19 described in (a) of this subsection. The department must make the
20 training reasonably available to allow entertainers sufficient time
21 to take the training in order to receive or renew their licenses on
22 or after July 1, 2020.

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

31 (3)(a) An adult entertainment establishment must record the
32 accusations it receives that a customer has committed an act of

1 violence, including assault, sexual assault, or sexual harassment,
2 towards an entertainer. The establishment must make every effort to
3 obtain the customer's name and if the establishment cannot determine
4 the name, it must record as much identifying information about the
5 customer as is reasonably possible. The establishment must retain a
6 record of the customer's identifying information for at least five
7 years after the most recent accusation.

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

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

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

24 (6) The department shall convene an entertainer advisory
25 committee to assist with the implementation of this section,
26 including the elements of the training under subsection (1) of this
27 section. At least half of the advisory committee members must be
28 former entertainers who held or current entertainers who have held an
29 adult entertainer license issued by a local government for at least
30 five years. At least one member of the advisory committee must be an
31 adult entertainment establishment which is licensed by a local
32 government and operating in the state of Washington. The advisory
33 committee shall also consider whether additional measures would
34 increase the safety and security of entertainers, such as by
35 examining ways to make the procedures described in subsection (3) of
36 this section more effective and reviewing the fee structure for
37 entertainers. If the advisory committee finds and recommends
38 additional measures that would increase the safety and security of
39 entertainers and that those additional measures would require

1 legislative action, the department must report those recommendations
2 to the appropriate committees of the legislature.

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

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

8 (i) Is unclothed or in such attire, costume, or clothing as to
9 expose to view any portion of the breast below the top of the areola
10 or any portion of the pubic region, anus, buttocks, vulva, or
11 genitals; or

12 (ii) Touches, caresses, or fondles the breasts, buttocks, anus,
13 genitals, or pubic region of another person, or permits the touching,
14 caressing, or fondling of the entertainer's own breasts, buttocks,
15 anus, genitals, or pubic region by another person, with the intent to
16 sexually arouse or excite another person.

17 (b) "Adult entertainment establishment" or "establishment" means
18 any business to which the public, patrons, or members are invited or
19 admitted where an entertainer provides adult entertainment to a
20 member of the public, a patron, or a member.

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

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

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29 On page 1, line 1 of the title, after "entertainers;" strike the
30 remainder of the title and insert "and adding a new section to
31 chapter 49.17 RCW."

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