

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

ADOPTED AS AMENDED 04/10/2019

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, an entertainer must provide
18 proof that the entertainer took the training described in (a) of this
19 subsection.

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

28 (3)(a) An adult entertainment establishment must record the
29 accusations it receives that a customer has committed an act of
30 violence, including assault, sexual assault, or sexual harassment,
31 towards an entertainer. The establishment must make every effort to
32 obtain the customer's name and if the establishment cannot determine

1 the name, it must record as much identifying information about the
2 customer as is reasonably possible. The establishment must retain a
3 record of the customer's identifying information for at least five
4 years after the most recent accusation.

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

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

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

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

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

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

4 (i) Is unclothed or in such attire, costume, or clothing as to
5 expose to view any portion of the breast below the top of the areola
6 or any portion of the pubic region, anus, buttocks, vulva, or
7 genitals; or

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

13 (b) "Adult entertainment establishment" or "establishment" means
14 any business to which the public, patrons, or members are invited or
15 admitted where an entertainer provides adult entertainment to a
16 member of the public, a patron, or a member.

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

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

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

EFFECT: Add a licensed adult entertainment establishment to the
advisory committee.

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