
Labor & Workplace Standards Committee

HB 1756

Brief Description: Concerning the safety and security of adult entertainers.

Sponsors: Representatives Orwall, Mosbrucker, Appleton, Frame, Goodman, Lovick, Gregerson, Sells, Davis, Doglio and Ormsby.

Brief Summary of Bill

- Requires adult entertainers to take training relating to the rights and responsibilities of entertainers, reporting of injuries, and other matters to receive an adult entertainer license issued by a local government.
- Requires adult entertainment establishments to issue panic buttons to entertainers and ban customers for three years if an accusation of violence or harassment against the customer is supported by a statement made under penalty of perjury or other evidence.
- Establishes an adult entertainer advisory committee within the Department of Labor and Industries.

Hearing Date: 2/11/19

Staff: Joan Elgee (786-7106).

Background:

A number of local jurisdictions regulate adult entertainment businesses and entertainers. These ordinances typically require licensing of the managers and the entertainers. The ordinances also address standards of conduct within the premises, lighting requirements, and other matters.

Under the Washington Industrial Safety and Health Act (WISHA), an employer has a responsibility to provide a workplace free from recognized hazards. Employers must create an

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Accident Prevention Program and follow other requirements. If an employer violates the standards, the employer may be subject to penalty.

Employers have responsibilities towards employees with respect to industrial insurance, unemployment insurance, minimum wage and overtime, and other employment standards. Whether a worker is an employee or an independent contractor under the various labor laws depends on the application of tests.

Summary of Bill:

Training.

The Department of Labor and Industries (Department) must develop or contract for the development of training for adult entertainers (entertainers). The training must include:

- education about the rights and responsibilities of entertainers, including with respect to working as an employee or independent contractor;
- reporting of workplace injuries, including sexual and physical abuse and sexual harassment;
- the risk of human trafficking; and
- resources for assistance.

To obtain or renew an adult entertainer license issued by a local government, an entertainer must sign an affidavit stating that the entertainer has taken the training.

Safety Requirements.

Panic Buttons. An adult entertainment establishment (establishment) must provide a panic button to each entertainer, at no cost to the entertainer. An entertainer may use the panic button if the entertainer reasonably believes there is an ongoing crime, harassment, or other emergency in the entertainer's presence. The entertainer may cease work and leave the immediate area of perceived danger to await the arrival of assistance.

Customer Violence. An establishment must record the accusations it receives that a customer has committed 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 for at least five years after the most recent accusation.

If an accusation is made under penalty of perjury or is supported by other evidence, the establishment must refuse to allow the customer in the establishment for at least three years after the date of the incident. The establishment must share the information about the customer with other establishments with common ownership and those establishments must also refuse to allow the customer in those establishments for at least three years.

A violation of the panic button or customer violence provisions is considered a violation of the WISHA for purposes of enforcement.

Advisory Committee.

The Department must convene an entertainer advisory committee to assist with the implementation of the requirements, including the training. If the advisory committee

recommends that additional measures would increase the safety and security of entertainers and those additional measures would require legislative action, the Department must report those recommendations to the appropriate committees of the Legislature.

Definitions.

A "panic button" is an emergency contact device carried by an entertainer by which the entertainer may summon immediate on-scene assistance from another entertainer, a security guard, or a representative of the establishment. Definitions are also provided for "adult entertainment" and "entertainer."

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.