

FINAL BILL REPORT

EHB 1756

C 304 L 19
Synopsis as Enacted

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

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

House Committee on Labor & Workplace Standards
Senate Committee on Labor & Commerce

Background:

A number of local jurisdictions have adopted ordinances regulating 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 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 certain tests.

Summary:

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;
- financial aspects of the entertainer profession;

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- the risk of human trafficking; and
- resources for assistance.

To obtain or renew an adult entertainer license issued by a local government on or after July 1, 2020, an entertainer must provide proof that the entertainer took the training.

Safety Requirements.

Panic Buttons. An adult entertainment establishment (establishment) must provide a panic button in each room in which an entertainer may be alone with a customer, and in bathrooms and dressing rooms. An entertainer may use the panic button if the entertainer has been harmed, reasonably believes there is a risk of harm, or there is any other emergency in the entertainer's presence. The entertainer may cease work and leave the immediate area 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. At least half the members must be former or current entertainers who held or have held a license for at least five years and at least one member must be an adult entertainment establishment licensed and operating in the state. The committee must also consider whether additional measures would increase safety and security, such as by examining ways to make the list and ban more effective and reviewing the entertainer fee structure. If the 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 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."

Votes on Final Passage:

House	95	3	
Senate	46	0	(Senate amended)
House	94	2	(House concurred)

Effective: July 28, 2019