

HOUSE BILL REPORT

EHB 1756

As Amended by the Senate

Title: An act relating to safety and security of adult entertainers.

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 History:

Committee Activity:

Labor & Workplace Standards: 2/14/19, 2/18/19 [DP].

Floor Activity:

Passed House: 3/5/19, 95-3.

Senate Amended.

Passed Senate: 4/10/19, 46-0.

Brief Summary of Engrossed 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 provide panic buttons in certain locations and to 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.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 7 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Gregerson, Hoff and Ormsby.

Staff: Joan Elgee (786-7106).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 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 Engrossed 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;
- financial aspects of the entertainer profession;
- 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 provide proof that the entertainer took 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 has been harmed, reasonably believes there is a risk of harm, or there is an 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. 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."

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment provides that: (1) at least one member of the entertainer advisory committee must be an adult entertainment establishment licensed by a local government and operating in the state; and (2) the training requirement applies to receive or renew a license on or after July 1, 2020 and the Department of Labor and Industries must make the training reasonably available to allow entertainers sufficient time to take the training.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is a small step that resulted from a collaborative effort to make dancing a safer environment. The profession is one where workers have to be walked to their cars. Current laws overregulate and make dancing less safe. Half of dancers have been threatened with a weapon and all have been assaulted. A panic button and black list could have prevented a case where a dancer was drugged and kidnapped. However, panic buttons should

be hardwired as they may interfere with a performance. Training is supported. The work group will make sure everyone's voices are heard. House fees are problematic and make the environment unsafe. More dancers means more power for the clubs. Oregon's law has no enforcement.

(Opposed) None.

Persons Testifying: Representative Orwall, prime sponsor; Rachel Smith; Amber Bergstrom; Ashley Hunter; Shira Cole; Winter Finck, Showgirls; and Emi Koyama, Coalition for Rights and Safety for People in the Sex Trade.

Persons Signed In To Testify But Not Testifying: None.