

# SENATE BILL REPORT

## SB 5486

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As Reported by Senate Committee On:  
Law & Justice, February 7, 2019

**Title:** An act relating to contests or promotions or other forms of recreational activity involving exploitation that endanger the health, safety, and welfare of any person with dwarfism.

**Brief Description:** Concerning activities that exploit persons with dwarfism.

**Sponsors:** Senators Padden, Kuderer and Bailey.

**Brief History:**

**Committee Activity:** Law & Justice: 1/31/19, 2/07/19 [DPS, w/oRec].

### Brief Summary of First Substitute Bill

- Prohibits holders of liquor licenses and adult entertainment venues from holding any promotion that endangers any person with dwarfism.
- Authorizes the suspension of the liquor license or business license, and fines up to \$1,000 per event for violations.
- Defines "dwarfism" as being abnormally small caused by genetic or medical condition.
- Licensed theatrical wrestling is exempted.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5486 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Kuderer and Salomon.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Holy and Wilson, L..

**Staff:** Tim Ford (786-7423)

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*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:** The Mayo Clinic defines dwarfism as persons with an adult height of 4 feet 10 inches or less. Many different medical conditions cause dwarfism. Most are genetic causes but some are attributed to growth hormone deficiency, and some causes are unknown.

Recreational events involving dwarfs as the attraction include dwarf tossing and dwarf bowling. Videos of these events may be found on the Internet. While these events are with the voluntary consent of dwarfs, both Florida and New York have banned these activities at commercial establishments that sell alcoholic beverages. Violations may result in the establishment losing their liquor license or fines up to \$1,000 per event. There are no penalties for the participants of these events.

**Summary of Bill (First Substitute):** Establishments with liquor licenses and adult entertainment venues are prohibited from holding a contest, promotion, or recreational activity involving exploitation that endangers the health, safety, or welfare of persons with dwarfism. Violations may result in suspending the liquor license or business license and fines up to \$1,000 per contest or event. Dwarfism is defined as a condition of being abnormally small caused by heredity, endocrine or kidney deficiency, or skeletal disease resulting in an adult height under 4 feet 10 inches. Licensed theatrical wrestling is exempted.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):**

- Licensed theatrical wrestling is exempted.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: A constituent of mine is a medical student who has dwarfism and saw a sign at an adult entertainment venue for dwarf tossing. This comes down to common decency. People with dwarfism are seen as objects for entertainment and public amusement. The dwarf community deserves respect and decency.

Dwarfs are marginalized and some people have made comments that Dwarfs are not real people. Little people should not be seen as mere objects for sport. This objectification can only result in physical and emotional harm. If these events happen at a location with no alcohol license how do we enforce the intent of the bill? As a professional performer what would my mother and father think? There is risk not just to the person being tossed but to the community of little people. What if I am picked up without my consent? I am a physical assault survivor and scared for my life. This event first started making news in the 1980s. It is insulting. This was banned in New York and Florida in the 1990s. This is not the nation we want to be. We want to be seen as human beings and professionals of all types. An eighth grader leaped over my head. It was embarrassing and hurtful. Dwarf tossing is not

fun and sends a message that you can harm small people. People find it funny but it is bullying. I am a human with feelings not to be tossed around.

CON: My clients do not engage in dwarf tossing. They are a business that travels around the world and perform professional wrestling. The language of this bill would have chilling effect on their business in Washington State. The bill does not define exploitation so does it include wrestling? There is no data on how much little people are being exploited in this state and yet the Legislature is ready to ban all business related to little people that may be viewed as exploitative? Exploitation is subjective. Liberty includes the consent to engage in a legal business that others view as exploitative. There are already laws that prohibit dwarf tossing—assault law, labor laws, anti-discrimination laws.

**Persons Testifying:** PRO: Senator Mike Padden, Prime Sponsor; Robert Eagle, citizen; Deana Harris, Puget Sound Chapter President, Little People of America; Ayden Harris, citizen; Alexander Foos, citizen; Peter Reckendorf, citizen.

CON: Paul Boudreaux, Center Stage Entertainment.

**Persons Signed In To Testify But Not Testifying:** No one.