

SENATE BILL REPORT

SB 6517

As of January 20, 2020

Title: An act relating to adult entertainers.

Brief Description: Concerning adult entertainers.

Sponsors: Senators Nguyen and Wilson, C.

Brief History:

Committee Activity: Labor & Commerce:

Brief Summary of Bill

- Prohibits adult entertainment establishments from charging a fee or offering monetary inducements in return for a non-employee entertainer agreeing to a regular schedule of performances.
- Regulates charges for cancellation fees and loans to entertainers.
- Prohibits establishments and local governments from preventing entertainers from collecting payment from customers prior to or during the entertainer's performance.
- Allows the Department of Labor and Industries to investigate complaints and issue penalties of \$500.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Susan Jones (786-7404)

Background: Entertainers' Required Training. The Department of Labor and Industries (L&I) must develop training for entertainers. The training must include:

- education about their rights and responsibilities, 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;
- financial aspects of the entertainer profession; and
- resources for assistance.

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.

As a condition of receiving or renewing an adult entertainer license issued by a local government, an entertainer must provide proof that the entertainer took the training.

Panic Buttons Required. An adult entertainment establishment must provide a panic button in each room in the establishment in which an entertainer may be alone with a customer, and in bathrooms and dressing rooms. 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, and make efforts to obtain the customer's name. If an accusation is supported by a statement made under penalty of perjury, the establishment must decline to allow the customer to return to the establishment for at least 3 years after the date of the incident.

Entertainer Advisory Committee. There is an entertainer advisory committee to assist with the implementation of this law related to adult entertainers, including the elements of the training. The advisory committee must consider whether additional measures would increase the entertainers' safety and security. L&I must report any committee recommendations that would increase the safety and security of entertainers and would require legislative action to the appropriate committees of the Legislature.

The terms: adult entertainment, adult entertainment establishment, entertainer, and panic button are defined in statute.

Summary of Bill: Entertainer Schedules. In return for a non-employee entertainer agreeing to a regular schedule of a performance or performances, whether in a performance lease or otherwise, an adult entertainment establishment may not charge a fee or offer any monetary inducement to the non-employee entertainer; however an establishment may offer nonmonetary benefits, such as providing:

- for the entertainer's convenience or comfort;
- complimentary items limited to clothing, makeup, or accessories; or
- a private dressing room.

Nonscheduled entertainers may not be blocked from accessing or using locker rooms, nonprivate dressing rooms, or any other area in which entertainers prepare for performances.

Cancellation Fees. An adult entertainment establishment may not charge an entertainer any cancellation or rebooking fee for any performance or performance lease canceled by the entertainer if:

- the entertainer gives the establishment notice of cancellation at least 24 hours in advance; or
- an establishment contracts with an additional entertainer for the same or similar performance time as the cancelled performance.

Any cancellation fee may not exceed the equivalent of two hours of the local minimum wage.

Leasing Fees. The establishment may not charge any leasing fee that is greater than 30 percent of the entertainment fees collected by the entertainer during this leased date and time, excluding tips paid to the entertainer, if the entertainer: (1) is not an employee, (2) agrees to

lease performance space from the establishment for at least 4 or more consecutive hours, (3) remains on the establishment's premises for the duration of this leased time, and (4) has been paid, by customers to perform an exhibition, performance, or dances, a total amount that is less than the leasing fee for this leased date and time.

Collection from Customers. If an establishment contracts with a non-employee entertainer, the establishment must allow the entertainer to collect payment from customers prior to or during the entertainer performing any exhibition, performance, or dance of any type. No local government may prohibit or prevent entertainers from collecting any form of payment from customers prior to or during the entertainer's performance.

Collections from Entertainers. The only debt or loan a nonemployee entertainer may incur to an adult entertainment establishment are amounts for city licensing fees and cancellation fees. An adult entertainment establishment may not require payments on any debt or loan from an entertainer exceeding 30 percent of the entertainment fees collected by the entertainer during any leased date and time, excluding tips paid to the entertainer.

Investigations and Penalties. L&I may investigate complaints to determine if there has been compliance with the laws. L&I may also initiate an investigation. Any violation of the provisions of the laws or rules is a class 1 civil infraction with a maximum penalty and default amount of \$500.

Definitions. Employee means an employee of an employer who is employed in the business of their employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is their personal labor for an employer under this chapter whether by way of manual labor or otherwise. The other terms are defined above.

Appropriation: None.

Fiscal Note: Requested on January 18, 2020.

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

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