
Regulated Substances & Gaming Committee

HB 2495

Brief Description: Requiring the liquor and cannabis board to update rules on clothing and conduct.

Sponsors: Representatives Rude, Macri and Walen.

Brief Summary of Bill

- Makes legislative findings and requires the Liquor and Cannabis Board to update and replace rules related to clothing and attire worn by, and the conduct and acts of, liquor licensees, employees, patrons, and other persons at liquor licensed establishments.

Hearing Date: 2/19/24

Staff: Peter Clodfelter (786-7127).

Background:

Liquor and Cannabis Board Rule.

A current rule of the Liquor and Cannabis Board (LCB) regulates the clothing and attire worn by, and the conduct and acts of, liquor licensees, employees, patrons, and other persons at liquor licensed establishments. The current rule has been in place since 2001, after the LCB originally adopted the rule in 1975 and modified it several times in the 1980s and 1990s. However, effective February 1, 2024, the LCB suspended enforcement of the rule, and on February 14, 2024, the LCB initiated rulemaking activity to consider repealing or amending the rule.

The text of the rule:

- prohibits licensees from allowing or encouraging employees to be unclothed or in attire,

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- costume, or clothing that exposes to view certain parts of the body;
- prohibits licensees from allowing or encouraging any person on the licensed premises to: (1) perform, simulate, or use artificial devices or inanimate objects that depict certain sexual acts, touching, caressing, fondling, or displaying of specified body parts; or (2) show any film, still picture, or electronic or visual reproduction that depicts pornography or a sexual act prohibited by law; and
- requires licensees to ensure that any entertainers on the licensed premises perform under guidelines specified in the rule.

A liquor licensee violating the rule is subject to the following penalties: (1) a five-day suspension or \$500 monetary option for a first violation; (2) a seven-day suspension for a second violation in a two-year window; (3) a 30-day suspension for a third violation in a two-year window; and (4) cancellation of a license for a fourth violation in a two-year window.

Violations of the rule by sports entertainment facilities are calculated differently based on ticket sales to the event, subject to mandatory minimum fines that escalate to possible cancellation of a license for a fourth or subsequent violation in a two-year window.

Indecent Exposure.

A person is guilty of the crime of Indecent Exposure in Washington if the person intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not Indecent Exposure.

Generally, Indecent Exposure is a misdemeanor. However, Indecent Exposure is a gross misdemeanor on the first offense if the person exposes themselves to a person under the age of 14. Additionally, Indecent Exposure is a class C felony if the person has previously been convicted of Indecent Exposure or a sex offense.

Summary of Bill:

Legislative findings are included and the LCB is required to update and replace rules related to clothing and attire worn by, and the conduct and acts of, liquor licensees, employees, patrons, and other persons at liquor licensed establishments.

Rules may not be more restrictive regarding clothing and attire or conduct and acts at liquor licensed establishments, relative to the legal standard in Washington for the crime of Indecent Exposure, as it applies in other public settings such as swimming pools and public parks.

Appropriation: None.

Fiscal Note: Not requested.

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