

SENATE BILL REPORT

SB 6105

As of January 15, 2024

Title: An act relating to creating safer working conditions in adult entertainment establishments.

Brief Description: Creating safer working conditions in adult entertainment establishments.

Sponsors: Senators Saldaña, Trudeau, Nguyen, Hunt, Lovelett, Pedersen and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 1/15/24.

Brief Summary of Bill

- Requires adult entertainment establishments to provide certain training to its employees including topics on preventing sexual harassment, conflict de-escalation, and first aid.
- Provides additional requirements regarding panic buttons, customer behavior, security personnel, and notice of termination and limits certain charges to entertainers.
- Prevents state agencies or local governments from adopting regulations that limit an entertainer from collecting payment from customers and that restrict an entertainer's proximity from others before or during any performance to the extent there is no sexual contact.
- Prevents the Liquor and Cannabis Board from issuing a liquor license and requires suspension of a license if an establishment receives a citation for a violation of laws related to adult entertainers and establishments and has not abated the violation.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Susan Jones (786-7404)

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

Background: In 2019, certain laws were passed regarding adult entertainment establishments (establishments) and entertainers. The law required that:

- the Department of Labor and Industries (L&I) develop training for entertainers, which was developed, and convene an Adult Entertainer Advisory Committee;
- establishments provide panic buttons; and
- establishments keep a list of certain customers and decline admission in certain circumstances.

A Liquor and Cannabis Board (Board) rule effectively prohibits the sale of alcohol in these establishments because of the prohibited activities it identifies for premises holding a liquor license.

The advisory committee provided a report to the Legislature in November 2020. The committee recommendations are as follows:

- legalize the service of alcohol in establishments;
- require mandatory training for all staff in establishments;
- eliminate the practice of charging back rent to entertainers; and
- set minimum requirements for security staffing in establishments.

Summary of Bill: Training. An adult entertainment establishment must provide de-escalation training to its employees within 30 days of hiring and at least every two years to minimize occurrences of unprofessional behavior and enable employees to support entertainers in times of conflict. The training must be developed by a third party and include topics on preventing sexual harassment, conflict de-escalation, and first aid.

Panic Buttons, Customers Procedures, Security, and Other Requirements. An establishment must:

- provide required panic buttons accessible in rooms where an entertainer may be alone with a customer;
- provide annually to L&I proof of compliance with the requirements regarding panic buttons and maintenance records;
- have a written process and procedure for submitting accusations regarding customers, responding to violence and criminal activity, and ejecting certain customers;
- provide at least one person on the premises during business hours whose primary duty is security, and who has no other duties outside of security between the hours of 9:00 p.m. and 9:00 a.m. L&I may adopt rules that require additional security persons based on additional factors;
- provide cleaning supplies and a keypad for dressing rooms;
- display signage about customer etiquette;
- restrict minors from the premises; and
- display signage that entertainers are not required to surrender tips.

The entertainer advisory committee provisions are removed.

Entertainer Charges. Fees charged by an establishment must apply equally to all entertainers in an establishment, be stated in a written contract, and continue for at least three months. An establishment may not charge an entertainer any fees or interest for late or nonpayment, for failure to appear at a scheduled time, or that result in the entertainer carrying forward an unpaid balance. An establishment may not charge for use of the premises in an amount greater than the entertainer receives during the period of usage; or within an eight-hour period, any fee that exceeds the lesser of \$150 or 30 percent of amounts collected by the entertainer for nonprivate performance areas plus 30 percent of amounts collected by the entertainer for private performance areas.

Notice of Reasons for Termination. No establishment may refuse to provide entertainers with written notice stating the reasons for the termination or refusal to rehire the entertainer.

Local Government Regulation Prohibited. No state agency or local government may adopt regulations that limit or prohibit an entertainer from collecting payment for adult entertainment from customers; and restrict an entertainer's proximity from others before or during any performance to the extent there is no sexual contact. Local governments may adopt regulations that are more protective of entertainers.

Liquor Licenses. If an establishment has received a citation for a violation of laws or rules related to adult entertainers and establishments or the provisions related to entertainer charges and has not abated the violation within the time period provided in the citation, the Board:

- may not issue or reissue a liquor license to the establishment until L&I affirms the violation has been abated; and
- must suspend or cancel the establishment's existing liquor license until L&I affirms the violation has been abated.

Appropriation: None.

Fiscal Note: Requested on January 10, 2024.

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: PRO: This bill builds on previous legislation. It makes sure establishments are safe for workers; providing training for the entire workforce; preventing worker exploitation; and allowing freedom in working. There is additional enforcement related to alcohol. No Washington law prohibits alcohol in adult entertainment establishments but the bill would allow LCB to reconsider their rule on alcohol.

This bill will minimize coercion, decriminalize conduct, and empowers workers. Club

owners and community have not made needed changes. Dancers are deemed not entitled to basic rights. Many are marginalized communities. The contract provisions will prevent discrimination. Dancers are vulnerable without standardized practices. Dancers can be sexually harassed by other workers. There needs to be training creating a higher standard to protect dancers. The current model lacks security and dancers address customer safety issues. Managers lack training. Other states' clubs prioritize dancer safety. A dancer described being bullied by customers. There was no security. She stopped working in Washington. Customers pushed physical boundaries and staff supported them because they tipped them. Portland is a better place to dance but it is exhausting to drive there and they have to be away from their families.

COVID-19 has impacted the number of customers. Dancers need a sustainable workplace. There are fewer customers and less economic resources. Dancers pay high rent fees to work. If clubs are slow, they can end up owing money and are expected to tip out staff. Fees have increased. Clubs have closed because there is not enough money. Washington clubs need more sustainable model. The states that allow alcohol are safe working environments.

It is illegal to take money upfront under some local ordinances. The issue of distance has been litigated. The language about more protective is ambiguous.

OTHER: We support safety measures. We do not support Section 2(11) to comply with criminal law. Section 2(9) regarding local ordinances needs to include human trafficking training. The 2019 bill described what adult entertainment is. In the VIP rooms, entertainers' bodies are a commodity. The local ordinance provision should be removed. Local ordinance distance requirements protects dancers. Human trafficking training needs to be revamped to help identify a situation.

Washington has the fewest number of establishments per capita in the U.S. One establishment opened its doors to law makers. The bill needs more clarity. These are complex issues. Many states have figured this out. Most states have frameworks for alcohol that varies dramatically.

Persons Testifying: PRO: Senator Rebecca Saldaña, Prime Sponsor; Eva Bhagwandin, Strippers are Workers; Madison Zack-Wu, Strippers Are Workers; Kasey Champion, Strippers Are Workers; Lexy Bove, Strippers Are Workers; Erica R, Strippers Are Workers; Alexa S, Strippers Are Workers; Andrea L, Strippers Are Workers; KJ M, Strippers Are Workers; Arijanna Z, Strippers Are Workers.

OTHER: Isaac Kastama, Expressive Rights Alliance; Lindsey Hueer, Association of Washington Cities; Rebekah Fonden, Wase Forward; Jeri Moomaw, Wase Forward.

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