

# FINAL BILL REPORT

## ESSB 6105

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Synopsis as Enacted

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

**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Saldaña, Trudeau, Nguyen, Hunt, Lovelett, Pedersen and Wilson, C.).

**Senate Committee on Labor & Commerce**  
**House Committee on Labor & Workplace Standards**

**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 (LCB) 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:** Training. An adult entertainment establishment must require its employees, other than entertainers, to take third-party professionally developed training by the later of March 1, 2025, or within 30 days of hiring for recorded content or 120 days of hiring for live courses and at least every two years to minimize occurrences of unprofessional

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behavior and enable employees to support entertainers in times of conflict. If possible, the training should be designed for establishments and be translated for non-English speaking employees. The training must include topics on preventing sexual harassment and discrimination, assault in the workplace, identifying and reporting human trafficking, conflict de-escalation, and first aid. Entertainers may take the training. L&I may require annual reporting on the training.

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 written policies and procedures for implementing statutory requirements, including a process for employees and entertainers to record allegations regarding customers; processes and procedures for responding to violence and criminal activity, and ejecting certain customers; retain records and incident details; and make the policies, procedures, and records available to L&I upon request;
- provide at least one person on the premises during operating hours whose primary duty is security, including monitoring interactions between entertainers and patrons;
  1. L&I must adopt rules that require security persons to have no other duties during peak operating hours when necessary, and requiring 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 Adult Entertainer Advisory Committee provisions are removed.

Entertainer Charges. Leasing or other 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 from any previously incurred leasing fee. An establishment may not charge a leasing fee in an amount greater than the entertainer receives during the period of access or usage; or within an eight-hour period, any leasing fee that exceeds the lesser of \$150 or 30 percent of amounts collected by the entertainer for nonprivate performance areas and 30 percent of amounts collected by the entertainer for private performance areas. If an establishment charges a leasing fee, the contract must include a method for estimating the total amounts collected by the entertainer in any eight-hour period.

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.

Liquor Licenses. If an establishment is eligible for and applies for a liquor license, LCB must notify L&I. L&I must conduct an inspection of the establishment for compliance with the laws regarding certain safety and health standards within 90 days of receipt of the notice. L&I must share information regarding violations with LCB. LCB must notify L&I if it observes violations of panic buttons, security, cleaning supplies, key pad, and signage requirements.

Age Restrictions. Establishments may not allow persons under age 18 on the premises. If an establishment serves alcohol, it may not allow persons under age 21 on the premises. This includes any employee, entertainer, contractor, or customer.

Local Governments and Liquor and Cannabis Board Prohibited from Certain Actions.

A city with a population of more than 650,000 or a county with a population of more than 2 million may not adopt or enforce ordinances restricting:

- an entertainer from collecting payment for adult entertainment from customers; or
- an entertainer's proximity or distance from others before or after any adult entertainment, the customer's proximity or distance from the stage during any adult entertainment, provided there is no contact between the dancers and customers.

LCB must repeal WAC 314-11-050, which prohibits liquor licensees from allowing certain actions on their premises and provides for cancellation of license privileges in its entirety. LCB is also prohibited from adopting or enforcing rules restricting the exposure of body parts or restricting sexually oriented conduct by any licensee, its employees or patrons, or certain other persons. This provision may not be construed to permit conduct otherwise prohibited under other statutes.

Definitions. Adult entertainment means any exhibition, performance, or dance of any type conducted within the view of one or more members of the public inside a premises where such exhibition, performance, or dance involves an entertainer, who is unclothed or in such attire, costume, or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, vulva, or genitals, with an intent to sexually arouse or excite another person. For purposes of certain issues related to fees and charges and other requirements and prohibitions for establishments, the term entertainer means any person who provides adult entertainment within an adult entertainment establishment, whether or not a fee is charged or accepted for entertainment and whether or not the person is an employee.

**Votes on Final Passage:**

Senate 29 20

House 58 36 (House amended)

Senate 29 20 (Senate concurred)

**Effective:** June 6, 2024

January 1, 2025 (Sections 1 and 2)