



## Washington State Liquor and Cannabis Board

**Bill Description:** Creating safe working conditions in adult entertainment establishments

**Bill Number:** ESSB 6105

**Sponsor:** Sen. Rebecca Saldaña

**Effective Date:** June 6, 2024 and Jan. 1, 2025

**Amends:** Amends RCW 49.17.470; adds a new section to chapter 49.46 RCW; adds a new section to chapter 49.44 4 RCW; adds a new section to chapter 66.24 RCW; and creates a new section.

### Background

The Washington Industrial Safety and Health Act (WISHA) – RCW chapter 49.17 – governs workplace safety across industries in Washington. The Washington State Department of Labor and Industries (LNI) has authority to enforce it, and to investigate claims of violations on the part of employers. RCW 49.17.470 is a section of the WISHA that deals with adult entertainment facilities and entertainers, which was added to WISHA through a bill from the 2019 legislative session. In addition to defining adult entertainment, adult entertainment facilities, and entertainers, the statute set conditions for workplace safety and training.

The Washington State Liquor and Cannabis Board (LCB) licenses businesses that sell alcohol to the public and enforces laws and rules for alcohol sales. Among other provisions, WAC 314.11.050 governed prohibited conduct at any licensed premise (such as a bar, restaurant, or nightclub). This rule prohibited sexual acts or simulations and prohibited nudity from either employees or customers of the facility. For this reason, adult entertainment facilities (“strip clubs”) could not receive a liquor license.

Also included in the 2019 bill that created workplace safety standards was the formation of a work group made up of dancers, state agency representatives, and others. The group submitted a report to the Legislature in late 2020 recommending allowing alcohol service in these clubs, requiring mandatory training for all staff, eliminating certain wage and pay withholding practices, and setting minimum staffing requirements for security in the clubs.

Clubs often charge dancers (who may work as independent contractors) a fee to perform. Often called a leasing fee, the fee is designed to help pay for the club infrastructure and staffing. If a dancer does not earn enough in a shift to pay this fee, a balance is often carried over to their next shift (often called “back rent”), meaning the debt can grow, and dancers can be charged interest.

### Summary

ESSB 6105 expands the worker protection requirements of RCW 49.17.470. It requires all club staff who are not dancers to complete training every two years to help prevent sexual harassment, discrimination, and assault in the workplace, information on how to prevent or report human trafficking, and conflict de-escalation to prevent attacks on dancers, employees, or on patrons. The LNI may require clubs to report on these trainings.

The preexisting requirement that private rooms have panic buttons is amended to include a requirement that these panic buttons must be easily accessible, and LNI is authorized to review records that the panic button is maintained and in working order.

Clubs are required to have at least one person designated as a security guard on site while the club is open, and LNI can write rule to make security the only duty of the guard during peak hours. They are also required to provide cleaning supplies, to make dressing rooms or locker rooms protected by a keypad code-protected lock, and to put up signs at the entrance giving patrons resources on expectations and etiquette.

Clubs must produce written policies and procedures on how to respond to customer violence, when to call police, and when to eject customers for disturbances or inappropriate behavior. They must also have policies around a "block list" of customers alleged to have caused harm or behaved in an unsafe way, including that the customer be barred from entry for at least three years.

If an adult entertainment facility applies to LCB for a liquor license, LCB must notify LNI who will conduct a facility inspection. The LCB's enforcement officers must also notify LNI if they observe a violation of workplace safety laws (RCW 49.17) if they see them while conducting a premise check.

In addition to workplace safety amendments, the bill also creates a new section on dancer pay. The "leasing fee" must be equal and apply to all dancers, be stated in writing in a contract, and apply for at least three months. The fee cannot exceed a dancer's earnings and can be the lesser of \$150 or 30% of a dancer's earnings for that shift. The practice of "back rent" or carrying over an unpaid balance is prohibited. In addition, clubs must disclose to dancers the reason they have been terminated or not rehired within 10 days of separation. LNI is authorized to enforce these provisions.

The Legislature directed the LCB to repeal WAC 314.11.050 in its entirety, and the LCB is further prohibited from writing any similar rules. Further, the LCB cannot tie exposure of body parts or sexually-oriented behavior/dancing to a business's suitability for a liquor license. The LCB will not enforce any such rules on existing or future licensed facilities, be they adult entertainment clubs as defined in RCW 49.17, or restaurants, nightclubs, bars, taverns, etc. Clubs that serve alcohol cannot allow anyone under the age of 21 on the premises, be they an employee, dancer, contractor, or customer/patron.

The City of Seattle and King County are forbidden from adopting any local ordinances or regulations governing a distance a patron must be from an adult entertainer, or restrict customers' distance to the stage, provided the customers do not make physical contact with the entertainer.

The repeal of the prohibited conduct WAC and the barring of local preemption or ordinances take effect on June 6, 2024. The sections governing workplace safety and pay provisions take effect on January 1, 2025.