



CR 102 Memorandum

Regarding Prohibited Conduct Rulemaking.

Date: April 24, 2024
Presented by: Daniel Jacobs, Policy and Rules Coordinator

Background

[WAC 314-11-050](#) (hereinafter “prohibited conduct rule”) defines conduct that is prohibited at liquor licensed premises. The rule language has not been changed since WAC 314-11-050 was initially created [in 2001](#). The language of the rule was taken almost verbatim from a prior iteration, WAC 314-16-125, that was known as the “lewd conduct rule.” WAC 314-16-125 was initially created in [1975](#), and further amended in [1981](#), [1982](#), and [1991](#).

On January 9, 2024, [Senate Bill \(SB\) 6105](#), an act relating to creating safer working conditions in adult entertainment establishments, was first read in the Washington State Senate. The language of SB 6105 appeared to contemplate adult entertainment establishments receiving liquor licenses. None of the language of the bill referenced the prohibited conduct rule.

During the weekend of January 26-27, 2024, Enforcement & Education staff with the Liquor and Cannabis Board (Board) participated in enforcement activity with the City of Seattle’s Joint Enforcement Team (JET). Several of the licensees visited included historically gay venues in the greater Seattle area.

On January 30, 2024, [Substitute Senate Bill 6105](#) was introduced, which specifically instructed the Board to amend rules to allow adult entertainment establishments to receive liquor licenses.

Following the weekend enforcement actions in Seattle, the Board heard substantial concerns expressed by the LGBTQ+ community about the prohibited conduct rule, especially during the Board meeting on [Wednesday, January 31, 2024](#). That same day, the Board received six petitions for rulemaking requesting the repeal of the prohibited conduct rule.

On February 1, 2024, the Board issued a [press release](#) announcing that it was immediately halting enforcement of the prohibited conduct rule, and would be initiating rulemaking proceedings to examine the prohibited conduct rule and determine whether it should be amended or repealed.

During the [February 6, 2024 Board caucus](#), staff with the Director's Office Policy & Rules team discussed the petitions received and a tentative timeline for rulemaking on amending or repealing the prohibited conduct rule. It was further announced that a CR-101 (preproposal statement of inquiry) would be presented at the next week's February 14, 2024 board meeting.

On February 7, 2024, floor amendments to Substitute Senate Bill (SSB) 6105 were accepted, [explicitly directing](#) the Board to repeal WAC 314-11-050 in its entirety, and the proposed legislation passed the Senate.

On February 14, 2024, the Board voted to initiate rulemaking on amending or repealing the prohibited conduct rule ([WSR #24-05-037](#)).

On February 27, 2024, the House passed an [amended](#) SSB 6105 to which now included language preempting the Board from creating or enforcing any rule that restricts what body parts can be shown in liquor licensed establishments.

On March 5, 2024, the Senate concurred in [Engrossed Substitute Senate Bill \(ESSB\) 6105](#) which both directs the Board to repeal WAC 314-11-050 and precludes the Board from creating or enforcing any rule in the future that restricts the exposure of body parts by any licensee or anyone under their control or patrons, or otherwise restricting sexually oriented conduct of any licensee or anyone under their control or patrons.

The bill was delivered to the Governor on March 8, 2024.

On March 13, 2024, the Board [accepted](#) the petitions for rulemaking seeking repeal of the prohibited conduct rule.

On March 25, 2024, the Governor signed [ESSB 6105 \(chapter 250, Laws of 2024\)](#) into law.

Stakeholder Engagement

While the Board intended to engage in extensive and robust stakeholder engagement to draft amended rule language, the legislative mandate of ESSB 6105 made that null and void. Given that the Board is being directed to repeal rule language, there is no need to conduct stakeholder engagement to determine how best to repeal the rule language. Furthermore, given the repeated community requests to repeal the rule as quickly as possible, conducting any stakeholder engagement prior to the filing of proposed repeal language would only unnecessarily postpone what the legislature determined that the Board must do.

Estimated Costs of Compliance

Under the Regulatory Fairness Act (RFA) in chapter 19.85 RCW, agencies are required to consider the costs that complying with the proposed rules will impose on businesses,

unless the proposed rules are subject to an exemption to this requirement. The CR 102 form describes these exemptions in more detail. None of the exemptions apply to this rulemaking.

No new rules are being created, only repealed or language removed. Licensees may continue to prohibit the conduct in WAC 314-11-050 if they so choose, but they will no longer be required to do so. If licensees want to change how they operate to expand the scope of permitted activity, that is entirely within their legal authority to do so, but they are by no means required to permit activity that was previously prohibited. Because no new rules or amended rule language needs to be learned, there will be no cost to licensees by virtue of these rule changes.

Rule Necessity

These rule changes are needed to comply with a legislative mandate in sections 4 and 5, chapter 250, Laws of 2024.

Description of Rule Changes

Rule Section	Proposed Change	Necessity
WAC 314-03-100 What types of activities on a licensed premises require notice to the board? (AMENDED)	Changed format of rule title from question to statement. Striking Subsection (1).	Improving clarity without changing effect To make rules consistent with sections 4, 5, chapter 250, Laws of 2024.
WAC 314-11-015 What are my responsibilities as a liquor licensee? (AMENDED)	Changed format of rule title from question to statement. Removal of an excess comma in subsection (2) Removed words "or dance" from subsection (4)(b) regarding prohibition on allowing a person to spend time with a patron for direct or indirect compensation. Removed sentence after subsection (4)(b) directing to WAC 314-11-050 for further guidance.	Improving clarity without changing effect. To make rules consistent with sections 4, 5, chapter 250, Laws of 2024.
WAC 314-11-050 What types of conduct are prohibited on a premises with a liquor license? (REPEALED)	REPEALED	Mandated by the legislature in section 5, chapter 250, Laws of 2024.
WAC 314-17-105 What are the penalties when a permit holder violates a liquor law or regulation?	Changed format of rule title from question to statement. Corrected citation in Disorderly Conduct row of penalty table to WAC 314-11-015.	Improving clarity without changing effect. To make rules consistent with sections 4, 5, chapter 250, Laws of 2024.

(AMENDED)	Deleted row in penalty table related to violations of WAC 314-11-050.	
WAC 314-29-020 Group 1 Violations against public safety. (AMENDED)	Deleted row in penalty table for violations of "Lewd Conduct" rule in WAC 314-11-050.	To make rules consistent with sections 4, 5, chapter 250, Laws of 2024.
WAC 314-29-038 Group 5 public safety violations for sports entertainment facility licenses. (AMENDED)	Deleted row in penalty table for violations of "Lewd Conduct" rule in WAC 314-11-050.	To make rules consistent with sections 4, 5, chapter 250, Laws of 2024
WAC 314-52-113 Brand signs and point-of-sale displays on retail licensed premises (AMENDED)	Deleted subsection (3)(c) referencing violations of WAC 314-11-050.	To make rules consistent with sections 4, 5, chapter 250, Laws of 2024.

Attachments:

Attachment A. *Public Comment Table*

Attachment B. *Engrossed Substitute Senate Bill 6105 (chapter 250, Laws of 2024)*

CR 101 Public Feedback Table—Prohibited Conduct Rulemaking

Public feedback received February 14, 2024 through March 22, 2024 on the Prohibited Conduct Rulemaking project presented as CR 101 on February 14, 2024, filed as [WSR 24-05-037](#). As noted in [Notice to Stakeholders](#), public comment open until March 22, 2024.

Name	Feedback	Response Time	Response
<p>1.</p> <p>Jim Rios</p> <p>Public Comment during 2/14/2024 Board Meeting</p> <p>No response provided</p>	<p>Okay, I'm not sure if my camera is working or not, but I'll just go ahead and get into it. So good morning, it's a pleasure to speak to the board once more to address, ongoing concerns that were highlighted during the LCB-JET interactions in late January. I and many others are relieved that the decision to redact photographs taken of patrons at queer establishment. This act has eased the minds of many individuals and helps to ensure their safety long after. While we in the community do agree that photographic evidence is important for case building, I would like to suggest that the LCB Board issue a policy that agents of the LCB take caution of collateral capture of individuals when they are not germane to an infraction or active criminality, and if collateral capture is unavoidable, that as a default policy, patrons and photos will be redacted, helping to mitigate a cascade effect with regards to people safety concerns at a future point.</p> <p>I noted that last week's meeting, the board is seeking to address biased concerns within the agency and policies long established. I urge you to look at policies with the lens of today and not of when they were written. Bear in mind that many policies of years past were written with intentional bias, rude and patriarchal and puritan motivations, motivations no longer acceptable today.</p> <p>I would like to reiterate the enforcement is necessary and welcome, but I would like to recommend that engagements should consist of a two-pronged approach, the initial contact team and a stand-by team. The initial team would ideally consist of no more than three people. And if serious infractions or acts of criminality are observed, then the stand-by team would be called in. The point is don't lead with a team that looks like a raid force when it is not necessary.</p> <p>In terms of equitable enforcement. There is a need for tracking visits of licensees. When I spoke with Mr. Vollendroff last week, he mentioned a tool and development called a dashboard. He can speak more intelligently about it. But I would like to suggest incorporation of a central reporting database that all community enforcement agencies will report to and pull data from a so that level, community level agencies, the LCB and civil liberty organizations would have a central data source to query. I would also like to suggest that the LCB Board ask their licensees to submit their demographic information, emphasizing the purpose is to ensure equitable enforcement and to conduct trend analysis to head off unbalanced enforcements, as well as streamlining enforcement itself while eliminating duplicative effort, which could lead to perceived bias-based enforcement.</p> <p>Bringing focus back to the queer community, it's important to understand our community is quite diverse. It transcends politics and racial groups alike because our center of gravity is sex. Regardless of whether its heteronormative or not, or promiscuous or not, or for transgender or not. The point is, we are not part of a particular yet powerful heterosexual community that also practices what is deemed by them to be biblically acceptable.</p> <p>This key distinction has been the central target by them, tirelessly persecuting our queer and other sexually liberated communities, because for them, sex has always been dirty, perverse, and should be regarded as if, as if immoral, if it is not biblical. This is why same sex relationships and sexual health education are continually facing legal challenges, othering our communities.</p> <p>This attitude has prevailed long before our nation was founded and codified in laws and policies around the world. As long as people and power and influence continue to reject the concept that sexuality is as human as breeding, segments of humanity will be othered, hindered and persecuted for being different. We need to understand that being different is perfectly human. It just requires empathy, patience and I urge you to understand, to consider this during your rule making.</p> <p>Thank you.</p>		
<p>2.</p> <p>Gabriel Newman</p> <p>Public Comment during 2/14/2024 Board Meeting</p>	<p>I am Gabriel Newman, policy council and government relations manager at GSBA, Washington's LGBTQ+ chamber of Commerce.</p> <p>Thank you LCB for your diligent response to concerns brought by community and for your willingness to engage and learn throughout this process. I had the pleasure with meeting with you on Monday, where I highlighted particular areas of concern that we have heard from our members. I'm repeating these points today so that they are reflected on the record among community.</p> <p>First, we want to make sure that regulations and compliance are checked. However, care should be taken to ensure a schedules of LCB compliance visits, do not disproportionately target LGBTQ+ establishments. Second, compliance visits should be conducted in a way that</p>		

No response provided	<p>prevents potential disruption to patrons, including patron’s privacy. Number three, liquor control board should liaise with the LGBTQ+ community to understand the bar culture as it pertains to events, clothing, performance types, etc.</p> <p>Number four a need for LCB to work directly with bar managers and owners to address compliance issues. Number five, LCB should establish a way for bar owners to view and engage on anonymous complaints. And number six, I repeat the call for the, for full repeal of the lewd conduct WAC. Thank you so much again, LCB. I really appreciate your willingness to come to the table and engage in a, a fruitful process going forward. And please consider um GSBA as a resource going forward. Thank you.</p>		
<p>3.</p> <p>Skye Theriot</p> <p>Public Comment during 2/14/2024 Board Meeting</p> <p>No response provided</p>	<p>Um hi, members of the board staff and public. My name’s Skye Theriot And I’m here today to thank the board for their decisive action by acknowledging and respecting the courageous voices who’ve shared their stories since the raids on the LGBTQ+ licensees. My story started in rural Louisiana, and when I relocated to Washington State in 2010, I was excited to escape the rampant homophobia that I experienced growing up in a part of our country that is still controlled by religious bigots.</p> <p>Having spaces where my community can escape the routine exclusion, which is still highly present even in our state, has been paramount to healing the mental health impacts of growing up where I did. This Board’s actions helped to recognize the importance of the safe spaces for those of us who were able to live our life out in all places and for those of us who are not. While being shirtless, or in a jock strap, may seem trivial to some, having this freedom of self-expression creates a world where I and many others are able to meaningfully see that it is okay to be in the bodies we are in. Being surrounded by others who get to share that same freedom creates an environment where people in our communities get to see our bodies being celebrated, that may not match the toxic mainstream one size, and its small messaging.</p> <p>Personally having been able to see other bodies that looked like mine dancing freely on the dance floor has impacted my own physical and mental health journey as I navigated life, working diligently to drop my weight from two hundred and seventy five pounds.</p> <p>I learned it was okay the way, it was okay to look the way I looked, and there were places i could be free from judgement or ridicule. Places where body diversity is celebrated instead of shamed. in my own battles with body dysmorphia, this has been a life changing relief that has allowed me to escape the world of self hate.</p> <p>Repealing the prohibited conduct rule will provide meaningful impacts across many areas of Health and safety. Including the removal of the state sponsored revenge porn, created through previous enforcement. Allowance of licensees to establish their own dress codes and further ensuring safety for those in our community who are seeking a place of inclusion to be themselves while they cannot be out in the rest of their lives.</p> <p>Further, I stand in solidarity with the Strippers Are Workers in supporting senate bill 6105 as it progresses through the house. During the time our state legislature is working to define the balance of the adult entertainment bill, I would like to ensure clarity that while correlated, the issue of repealing the prohibitive conduct rule is an issue that deserves merit on its own, as well as in conjunction with what those workers have been accomplishing over the last six years.</p> <p>As the board has acknowledged, local jurisdictions around our state created their own rules and guidelines regarding nudity to match the constituents’ requests. Given the diversity in our state, it is paramount that we allow those jurisdictions to continue governing in ways that align with the values of those who were being governed. The city of Seattle has determined that for our city, nudity is acceptable. As Member Vollendroff mentioned in a previous meeting, I can walk to the bar in a jock strap, yet with the prohibited conduct rule in place, I was not able to go inside without causing a potential violation for the establishment i was entering.</p> <p>Given that our bars already make up a tiny portion of the overall licensees in our state, burdens like citation or the risk of losing their license are undue and can post serious impacts to the financial wellbeing of both the establishment and its employees.</p> <p>I’m excited to participate as the rulemaking continues forward, and I’m eager to hear from our community as we work together to navigate the path ahead. Thank you.</p>		
<p>4.</p> <p>Laurie Sherwin</p> <p>ldsherwin@icloud.com</p>	<p>Hi,</p> <p>The rules for behavior, inside businesses that serve liquor, seem fair and adequate. Why change anything? Are you feeling societal pressure to conform your legislation to</p>	<p>2/14/24, 1:16 PM</p>	<p>Dear Laurie Sherwin:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and</p>

<p>2/14/24, 1:04 PM</p> <p>Via email</p>	<p>appease a few? What about others that find such behavior as inappropriate & rude?</p> <p>If enforcing the rules causes backlash, hire employees with stronger backs. We need to start standing up to cancel bullies and hold tight to whatever semblance we may have as a civil society.</p> <p>If a civil society is not feasible than let's do away with all rules for businesses. That would mean if one business could go topless, another could deny a customer access. (for whatever reason)</p> <p>Why do we make laws & where is the line drawn? Is racism or homophobia by a business worse than MY being offended by a topless employee, or physical actions that mimic sex ? Can we please just stop moving the boundaries of acceptable behavior?</p> <p>This just seems like a silly waste of time. I'm always hearing about lack of resources & need for more employees at the LCB to properly enforce laws & keep citizens safe. Isn't this an incredible waste of time & effort, for little return?</p> <p>Sincerely, Laurie Sherwin Researcher & activist for safer cities</p>		<p>we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, February 28, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
<p>5.</p> <p>John Chaney, jchaney@nwlink.com</p> <p>2/14/24, 1:07 PM</p> <p>Via email</p>	<p>Mr. Jacobs</p> <p>I would like to be notified of all agency actions related to WAC 314-11-050.</p> <p>For the record: I am in favor of repealing the WAC as outdated and unnecessary. Amending the WAC is not needed, repeal and do not replace.</p>	<p>2/14/24, 1:18 PM</p>	<p>Dear John Chaney:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to</p>

	<p>I intend to place further comments into the record if amendment is proposed by the Board.</p> <p>John Chaney</p>		<p>hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>Signing up for GovDelivery emails is the easiest way to stay up to date on this rulemaking.</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on February 28, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
<p>6.</p> <p>Robert MacWolf, mywaywardson@gmail.com</p> <p>2/14/24, 1:43 PM</p> <p>Via email</p>	<p>I am writing recommending the repeal of WAC 314-11-050. Since the behaviors it prohibits are either legal in all other contexts, or prohibited in all other contexts, the rule is either redundant or discriminatory. This later is bourne out in practice, as for years the Lewd conduct rule has been used as a pretext to disproportionately target and harass the LGBTQ community by punishing them for dress and behavior that straight citizens practice with impunity. A law whose principal effect is that a shirt which is perfectly legal to wear walking down the street</p>	<p>2/14/24, 2:08 PM</p>	<p>Dear Robert MacWolf:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB</p>

	<p>becomes illegal if you walk into a gay bar cannot be described as anything but discriminatory, no matter the intent. -Rob MacWolf Kent, WA</p>		<p>develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, February 28, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
<p>7. David Meinart david@davidmeinart.com 2/14/24, 2:45 PM Via email</p>	<p>Please release WAC 314-11-050 David Meinert 5 Point Cafe, Seattle</p>	<p>2/14/24, 3:21 PM</p>	<p>Dear David Meinart:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current</p>

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<p>8.</p> <p>Ryan Burton R_p_burton@yahoo.com</p> <p>2/14/24, 8:28 PM</p> <p>Via email</p>	<p>TO:</p> <p>Rules Coordinator Liquor and Cannabis Board P.O. Box 43080 Olympia, WA 98504-3080</p> <p>FROM:</p> <p>Ryan Burton Olympia, WA 98506</p> <p>Sir or Ma'am - Please consider adopting rules that allow adults to be adults with limited restrictions for appropriate behavior. Life has changed over the last 20+ years. There is a massive amount of technology that opens the path for all types of lewd and obscene viewing pleasures. This should not prevent adults that want to perform on stage and adults that want to pay for performers to entertain on stage from having alcohol or Cannabis. Allow the adults to enter into an agreement where a business can profit.</p>	<p>2/15/24, 10:10 AM</p>	<p>Dear Ryan Burton:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p>

	<p>The business will be required to purchase security and insurance to ensure safety to its customers... The free market will take care of that. People want to have fun and be safe - if the place gets too rowdy or turns into a dump, people will stop going to that establishment and the business will close.</p> <p>I'm not advocating for this, but Europe has many brothels and they serve alcohol and Cannabis to all ages and it is relatively controlled, safe, and clean.</p> <p>Washington State has had many firsts... be the first state to take the leap.</p> <p>Thank you, Ryan Burton</p>		<p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TWV.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, February 28, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
<p>9.</p> <p>Ben Lewis Benjf5@gmail.com 2/16/24, 10:56 PM Via email</p>	<p>To the WSLCB Rules Coordinator,</p> <p>I'm writing as a Seattle-area resident and member of the queer community to encourage the LCB to fully repeal WAC 314-11-050, and remove this outdated stain from the state codes. This is particularly important given the events of the weekend of January 26th, and their continuing fallout.</p> <p>This code originated out of a desire to control "appropriate" expression by minority communities (and block the sale of alcohol at strip clubs), and today it evidently has continued to be used for that purpose. The best way to prevent future abuse is to remove the mechanism that enables it; if this rule, or something substantially similar remains in effect, we have no guarantees that we will not once again see overzealous enforcement of that rule at some point in the future, long after the current commissioners have moved on.</p> <p>The main concern of the LCB should be the proper handling of alcohol; the behavior and attire of patrons is fundamentally outside of that mission. Communities can and will have differing standards of conduct in their social spaces; this is fine! There's a vastly different expectation of behavior in a gay bar or other queer social space, especially during a theme night or party, than there is at a straight bar. The problem</p>	<p>2/20/24, 8:30 AM</p>	<p>Dear Ben:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public</p>

	<p>arises when a separate culture's expectations are enforced on that other group--which is what WAC 314-11-050 does--and any substantially similar rule would have the same effect.</p> <p>At the Jan 31st LCB meeting, Chairman Postman remarked that he doesn't believe the Board should be in the business of mandating morality. In fact, he noted that the board approves of SB6105 and wants to establish a means for strip clubs to sell alcohol! In light of this, I would encourage the commissioners to act on their initial intuition, and repeal the rule.</p> <p>-- Ben Lewis Redmond, WA</p>	<p>Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, February 28, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
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<p>10.</p> <p>Skye Theriot thatskyeriot@gmail.com</p> <p>2/22/24, 1:24 PM</p> <p>Via Email</p> <p>Attached as PDF to email above</p>	<p>Dear Liquor & Cannabis Board of Directors,</p> <p>My name is Skye Theriot and I am urgently writing to express my support during the current Public Comment Period for the CR-101 filed as WSR 24-05-037. I have attached my detailed public comment as a PDF, providing additional insights into the matter.</p> <p>As a member of the LGBTQ+ community, I am deeply concerned about the adverse impact of WAC 314-11-050 (Prohibited Conduct) on small businesses catering to our community. The targeted enforcement of this rule has unfairly burdened these establishments.</p> <p>Repealing WAC 314-11-050 is essential for relieving this burden and granting local jurisdictions in our state the autonomy to regulate nudity in their communities.</p> <p>I strongly urge the Liquor & Cannabis Board to swiftly accept a full repeal of this rule. Your prompt attention to this matter is appreciated.</p> <p>Respectfully,</p> <p>---</p> <p>TO: Washington State Liquor & Cannabis Board RE: CR-101 (filed as WSR 24-05-037) Public Comment Dear Liquor & Cannabis Board, Staff, Stakeholders, and the Public</p> <p>My name is Skye Theriot, and I offer my public comment in support of a full repeal of the Prohibited Conduct Rules (WAC 314-11-050).</p> <p>The Prohibited Conduct Rules have disproportionately caused harm to an already marginalized community through inequitable enforcement, often lacking in the just cause that would be required to obtain a warrant through our criminal court systems.</p> <p>The Liquor & Cannabis Board's Mission is to "Promote public safety and trust through fair administration, education, and enforcement of liquor, cannabis, tobacco, and vapor laws." Given this mission statement, it is obvious that the L&CB has an undeniable duty to repeal the WAC 314-11-050 given how</p>	<p>2/22/24, 2:53 PM</p>	<p>Dear Skye Theriot:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>I know that you submitted a petition for rulemaking on January 31, 2024 requesting repeal of WAC 314-11-050, and that you also provided public comment in person during the February 14, 2024 board meeting. Your participation and continued engagement on this subject is noted and we will be sure to notify you when further public stakeholder engagement sessions are held on this rulemaking.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, February 28, 2024.</p>
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	<p>unjustly this rule has been applied and enforced since its implementation in 1975.</p> <p>These rules have demonstrably been unfairly enforced and caused harm in the lives of many LGBTQ+ citizens across our state.</p> <p>Further, given instances around our country that have led to the loss of life of many in our community, from Matthew Shepard to Nex Benedict - Washington State must be a beacon of hope in a nation wrought with bigotry & homophobia.</p> <p>As I have shared in previous public comments, being able to be nude in licensed establishments has in very plain words saved my life. Many can ignore the benefits of a positive impact on mental health because it is not nearly as visible as something like weight loss or other physical health changes. This silent relief is one that many in our community seek, and having the safe spaces to receive this relief is paramount to undoing decades of damage caused by navigating the world around us safely.</p> <p>It is our duty as leaders to alleviate the negative impacts those before us unjustly implemented while leaving no room for bigotry or fear to control our government's hand in the future. I employ the board to be decisive in their stance to repeal WAC 314-11-050 to create a more equitable future for generations to come.</p>		<p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
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<p>11.</p> <p>Skye Therriot</p> <p>Testimony during Public Comment at February 28, 2024 Board meeting</p> <p>No response provided.</p>	<p>My name is Skye Therriot.</p> <p>With the recent passing of Engrossed Substitute Senate bill 6105 in the house, it's obvious that the liquor and cannabis board has an undeniable duty to repeal the WAC 314-11-050. I stand today in gratitude for the board swift action on this process. The pause in enforcement has been felt in our community up in Seattle. And with the CR 101 having been filed at the last board meeting, your actions are likely to take effect before the January 2025, that's currently listed on the legislation. So even if that bill does get re-passed in the Senate, we will still be half a year ahead of schedule, which is going to have a really important impact both for the LGBTQ+ bar community, as well as the strippers are workers organization who've been fighting much longer on this issue. As I've said before, these rules have demonstrably been unfairly enforced and caused harm in the lives of many LGBTQ+ citizens across our state. And as I see it, Washington state must be a beacon of hope in the nation wrought with bigotry and homophobia.</p> <p>While consistency does have its place in government affairs, when we find rules that have disproportionate impact such as these, it is important and infinitely valuable to break from those consistency patterns to show the public that we're no longer interested in maintaining laws that don't serve the public as a whole. And as I've shared in previous public comments, being able to be partially or fully nude in licensed establishments has in very plain word save my own life.</p> <p>Many can ignore the benefits of a positive impact on mental health because it's not nearly as visible as something like weight loss or physical health changes. And this silent relief is one that many in our community are seeking. Having safe spaces to receive this mental health relief is paramount to undoing decades of damage caused by navigating the world around us safely. As I mentioned on the call with member Garrett yesterday, I grew up in a place where I was physically assaulted before I even came out. And then increasingly physically assaulted as I did come out. So when I look to Washington to be that safe beacon, only to then be harassed by enforcement team of this agency kind of sent a shockwave of trauma back through my life. But again, I expressed my gratitude for your prompt attention to this and I look forward to seeing this process through to the end. Thank you.</p>		
<p>12.</p> <p>Chad Sweeney</p> <p>Testimony during Public Comment at February 28, 2024 Board meeting</p> <p>No response provided.</p>	<p>Hello, Chair Postman, member Garrett and board members and staff.</p> <p>My name's Chad Sweeney and I'm here to speak about the board's rulemaking process for WAC 314-11-050. First, I also want to thank the board and staff for listening to our communities and listening to our concerns. We have felt heard and recognized and that means a lot. As we talked about, the legislature's spoken, both houses have directed the LCB to either repeal or significantly revise this rule and I'm here to advocate for immediate action from the board to completely repeal the rule.</p> <p>I believe that LCB should act quickly and decisively to remove this harmful, outdated and unnecessary language from the Washington administrative code. A full unequivocal repeal this rule is the right thing to do to promote safety, inclusion and community in licensed establishments. And adding or retaining any language that describes behavior that's acceptable in licensed establishments is duplicative, unnecessary and confusing. Washington statutes already make it illegal for individuals to display their body parts in a way that could cause affront or alarm to another. It's already illegal in the state of Washington to non-consensually have sexual contact with another person. So retaining any rules of conduct that distinguish between what's acceptable in a liquor establishment and what's acceptable in any other public place will continue to make queer spaces vulnerable to the exact kind of problematic and intrusive enforcement that brought us here in the first place. LCB has the capacity and expertise to make rule changes using the existing statutory mechanism that you've already started. So I urge you to use this mechanism to fully repeal this harmful rule. Thank you.</p>		
<p>13.</p> <p>John Chaney</p> <p>jchaney@nwlinc.com</p> <p>2/29/24, 9:40 AM</p> <p>Via email</p>	<p>WAC 314-11-050 should be repealed and not replaced.</p> <p>This WAC has been applied in inequitable ways and does not reflect current norms. No minors are allowed in bars and clubs, as a 21+ patron the Board has no legitimate purpose in regulating my conduct. The Board priorities should be no underage service and no over service.</p>	<p>2/29/24 9:53 AM</p>	<p>Dear John Chaney:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p>

	<p>The conduct addressed in WAC 314-11-050 is a relic of past temperance and prudery intended to inflict a norm of conduct where the absent majority inflicts its control over the conduct of adult patrons in a licensed premise. Other statutes address illegal behavior. That is not the role of the LCB. Repeal and do not replace.</p> <p>I would like all future notices regarding LCB actions on this WAC.</p>		<p>I will make sure that you are included on any future notices on this rulemaking project.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, March 13, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
<p>14.</p> <p>Christine Zahn christinelzahn@gmail.com</p> <p>3/5/24, 8:32 PM</p> <p>Via email</p>	<p>Attention: Rules Coordinator</p> <p>As a small business owner for 40+ years and the owner of Club Sapphire for 14 years I have experience dealing with adults, consumption of alcohol and nudity. With 20,000+ members attending our weekly events over the years we have found that there is no difference between the way our members interact with each other in the presence of nudity as compared to any bar or restaurant etc.</p>	<p>3/6/24, 9:51 AM</p>	<p>Dear Christine:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to</p>

	<p>The "Lifestyle" is global and consists of a very large but discrete group of people from every walk of life that believe in the freedom to express their own sexuality in a safe and consensual environment. Club Sapphire is one of the few places that lifestylers may do this. Club Sapphire provides an upscale social setting for consenting adults.</p> <p>Currently our members are not allowed to have alcohol on premise. This does not mean members don't consume alcohol prior to their arrival, in their cars and in our parking lot. We have no way to regulate drinking at this time. However; if we were to be licensed and working with MAST trained bartenders, we would have more control over the consumption of alcohol.</p> <p>We have definitely lost business to members choosing to attend clubs in Oregon where alcohol is allowed and local underground clubs that do not follow rules. This has made an impact on our bottomline. Because we do choose to follow the rules we have been hugely impacted by the discriminatory action that adults are not able to manage their behaviors when around nudity and consuming alcohol. Many members like to socialize and have the freedom to consume an adult beverage when out for an evening and because they choose to do this at our business they are penalized as are we.</p> <p>As a proactive community that believes in consent, acceptance and freedom it feels unfair that we are not allowed to choose what to drink.</p> <p>Sincerely,</p> <p>Christine Zahn Owner, Club Sapphire</p>		<p>hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, March 13, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
<p>15.</p> <p>Dave Walt</p> <p>Davewalt83@gmail.com</p> <p>3/10/24, 2:12 PM</p> <p>Via email</p>	<p>WAC 314-11-050 should be repealed. The research into the effects has already been done and the committee made their recommendations, all you have to do now is follow them. Why do the investigation if you're not going to listen to the results? Repeal WAC 314-11-050. It doesn't need to be modified or replaced, it just needs to be gone.</p> <p>Dave</p>	<p>3/11/24, 12:48 PM</p>	<p>Dear Dave:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p>

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<p>16.</p> <p>Skye Theriot</p> <p>Testimony during General Public Comment period of March 13, 2024 Board Meeting</p> <p>No response provided</p>	<p>I'm Skye Theriot and I stand before you today with profound gratitude for the board's decisive action in accepting the petitions to amend or repeal 314-11-050 or the prohibited conduct rules. And I want to speak to the meaningful impact of having public comment periods, especially in this time where it may seem unfruitful. While the initial inspection of the value stakeholder engagement may seem like an unfruitful step, giving any community a chance to voice their concerns does more than inform policymaking, but also provides a space for citizens to share their experiences and the impact of this rule for the public record. Ultimately, this helps to improve public participation and establish trust with entities that may not have that trust already.</p> <p>Acknowledging the historical context of governmental agencies involvement in systemic discrimination, I commend the board for your departure from the convention when the rules have demonstrably perpetuated harm against marginalized communities. Today marks the pivotal moment, signaling a renewed commitment by the liquor and cannabis board to fair and equitable rulemaking processes. By embracing these changes, we pave the way for future leaders to engage with structures previously overlooked, fostering a culture of inclusive leadership and progressive governance. While there is still much ground to cover, today's decision represents a significant stride towards dismantling discriminatory practices within Washington state's law enforcement framework. And I extend my deepest appreciation for your swift and</p>	

	thoughtful consideration of the issues in hand. Together, we can continue our collaborative journey towards building a more just and equitable state. Thank you.		
17. Eric Kotz Testimony during General Public Comment period of March 13, 2024 Board Meeting No response provided	Thank you Liquor and Cannabis Board, I'd originally come up or plan to request the liquor board accept the petition for requesting the full repeal of the prohibited conduct WAC, 314-11-050, but you just did that. And thank you for doing that. While I didn't have the opportunity to submit my own petition, I'm friends with most of the petition submitters, and I know they'll appreciate the board accepting it. Now that the petitions have been accepted, I'd like to ask the board to swiftly and fully repeal WAC 314-11-050 on the soonest possible timeline. I believe that means the CR-102 be filed an April 10th and ultimately have an effective date of June, sorry, July 6, 2024. Swift action in this way would honor the petitioners' attentions when they filed the petitions. Please fully repeal that WAC and thank you.		
18. Eric Kotz eric@erickotz.com 3/22/24, 6:28 PM Via email	Dear Liquor and Cannabis Board of Directors: I am writing to express my input during the Public Comment Period for the CR-101 filed as WSR 24-05-037 regarding WAC 314-11-050. I am requesting that the LCB fully repeal WAC 314-11-050. As a member of the LGBTQ+ community who lives in Seattle, I have seen the negative impact that this WAC has on both the members of the LGBTQ+ community and the small businesses cater to my community. The targeted enforcement of this rule has unfairly burdened these establishments. Repealing WAC 314-11-050 is essential for relieving this burden and will grant local jurisdictions in our state the autonomy to regulate nudity in their communities. I strongly urge the Liquor & Cannabis Board to swiftly act swiftly to fully repeal this rule. Your prompt attention to this matter is appreciated. Thank you, Eric Kotz	3/25/2024, 9:20 AM	Dear Eric Kotz: Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email. The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest. Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest). The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW .

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<p>19.</p> <p>Grant Wickenhagen</p> <p>grantclarkcollege@gmail.com</p> <p>3/22/24, 6:33 PM</p> <p>Via email</p>	<p>Dear Liquor and Cannabis Board of Directors: I am writing to express my input during the Public Comment Period for the CR-101 filed as WSR 24-05-037 regarding WAC 314-11-050. I am requesting that the LCB fully repeal WAC 314-11-050. As a member of the LGBTQ+ community who lives in Seattle, I have seen the negative impact that this WAC has on both the members of the LGBTQ+ community and the small businesses cater to my community. The targeted enforcement of this rule has unfairly burdened these establishments. Repealing WAC 314-11-050 is essential for relieving this burden and will grant local jurisdictions in our state the autonomy to regulate nudity in their communities. I strongly urge the Liquor & Cannabis Board to swiftly act to fully repeal this rule. Your prompt attention to this matter is appreciated. Thank you, Grant Wickenhagen.</p>	<p>3/25/24, 9:24 AM</p>	<p>Dear Grant Wickenhagen:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, March 27, 2024.</p>

			<p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
<p>20.</p> <p>Gina ginahixx@gmail.com</p> <p>3/22/24, 7:08 PM</p> <p>Via email</p>	<p>Dear Liquor and Cannabis Board of Directors:</p> <p>I am writing to express my input during the Public Comment Period for the CR-101 filed as WSR 24-05-037 regarding WAC 314-11-050.</p> <p>I am requesting that the LCB fully repeal WAC 314-11-050. As a member of the LGBTQ+ community who lives in Seattle, I have seen the negative impact that this WAC has on both the members of the LGBTQ+ community and the small businesses cater to my community. The targeted enforcement of this rule has unfairly burdened these establishments.</p> <p>Repealing WAC 314-11-050 is essential for relieving this burden and will grant local jurisdictions in our state the autonomy to regulate nudity in their communities. I strongly urge the Liquor & Cannabis Board to swiftly act swiftly to fully repeal this rule. Your prompt attention to this matter is appreciated.</p> <p>Thank you,</p> <p>gina</p>	<p>3/25/24, 9:27 AM</p>	<p>Dear gina:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, March 27, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>

<p>21.</p> <p>Mike Jordan mjpublic@gmail.com</p> <p>3/22/24, 8:06 PM</p> <p>Via email</p>	<p>Dear Liquor and Cannabis Board Members:</p> <p>I am writing to express my concerns regarding the detrimental impact of WAC 314-11-0501, specifically in relation to WSR 24-05-037.</p> <p>As a member of the LGBTQ+ community residing in greater Seattle, I have witnessed firsthand the adverse effects this enforcement has had on both our community members and the small businesses that serve us. The targeted enforcement of WAC 314-11-0501 has imposed an unjust burden on these establishments, creating an environment that is neither fair nor necessary. It is imperative that this rule be repealed to alleviate this burden and empower local jurisdictions within our state to regulate matters pertaining to nudity independently.</p> <p>Repealing WAC 314-11-0501 not only addresses the immediate concerns but also signifies a shift towards a more progressive and localized approach to governance, one that is better suited to serve our diverse communities.</p> <p>I urge the Liquor & Cannabis Board to take swift and decisive action in repealing this rule, demonstrating a commitment to fairness, equality, and respect for the autonomy of local jurisdictions.</p> <p>Thank you for considering my perspective on this vital matter. I eagerly await your response and action.</p> <p>Respectfully, Michael Alexander</p>	<p>3/25/24, 9:30 AM</p>	<p>Dear Michael Alexander:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TWV.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, March 27, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
<p>22.</p> <p>Jeffrey Yunes</p>	<p>Dear Liquor and Cannabis Board of Directors:</p>	<p>3/25/24, 9:33 AM</p>	<p>Dear Jeffrey Yunes:</p>

<p>jeff@yunes.us</p> <p>3/22/24, 9:00 PM</p> <p>Via email</p>	<p>I am writing to express my support for a policy revision that would allow nudity in bars, transferring the decision-making power from the state level to localities, empowering bar owners and their patrons to set their own rules regarding this matter.</p> <p>The current ban on nudity in bars, imposed at the state level by the Washington State Liquor and Cannabis Board, unnecessarily restricts property rights, hinders freedom of expression, and promotes unhealthy attitudes towards the human body. By allowing localities - and ideally, owners and patrons - to determine their own policies regarding nudity, Washington can take a significant step toward becoming a more welcoming and attractive place for residents and visitors alike.</p> <p>Thank you for your consideration.</p> <p>Jeffrey Yunes</p>	<p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, March 27, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
<p>UNOFFICIAL COMMENT CUT OFF</p>		

<p>23.</p> <p>James Johnson jpjohnson29@gmail.com</p> <p>3/24/24, 3:22 PM</p> <p>Via email</p>	<p>Dear Liquor and Cannabis Board of Directors:</p> <p>I am writing to express my input during the Public Comment Period for the CR-101 filed as WSR 24-05-037 regarding WAC 314-11-050. I am requesting that the LCB fully repeal WAC 314-11-050. As a member of the LGBTQ+ community who lives in Seattle, I have seen the negative impact that this WAC has on both the members of the LGBTQ+ community and the small businesses that cater to my community. The targeted enforcement of this rule has unfairly burdened these establishments. Repealing WAC 314-11-050 is essential for relieving this burden and will grant local jurisdictions in our state the autonomy to regulate nudity in their communities. I strongly urge the Liquor & Cannabis Board to swiftly act to fully repeal this rule. Your prompt attention to this matter is appreciated.</p> <p>Thank you,</p> <p>James Johnson jpjohnson29@gmail.com</p>	<p>3/25/24, 9:37 AM</p>	<p>Dear James Johnson:</p> <p>Thank you so much for providing your comment on the CR 101 (Preproposal Statement of Inquiry) on the Prohibited Conduct Rulemaking Project. Your input is valuable and we look forward to reviewing your feedback. If we have any questions we will follow up by email.</p> <p>The Washington State Liquor and Cannabis Board (LCB) relies on public feedback, and welcomes the opportunity to hear more from you! Public participation helps LCB develop inclusive, transparent, and accountable policies and rules that serve the public interest.</p> <p>Please visit the LCB's website for more information about the Prohibited Conduct Rulemaking and other current rulemaking activities. To get timely updates from LCB, please sign up to be on our GovDelivery email distribution list (select the Rulemaking option along with any other topic of interest).</p> <p>The LCB Board holds public meetings on Wednesdays at 10 a.m., twice monthly. Held both virtually and in-person, the meetings provide an opportunity for members of the public to address Board members during the Public Comment agenda item, or during scheduled Public Hearings held during the Board meetings. Board meetings are also broadcast live on the state's public access TV station TVW.</p> <p>Please visit LCB's Board meeting schedule and information webpage to learn more about observing or participating in a Board meeting. The next Board meeting will be held on Wednesday, March 27, 2024.</p> <p>Thank you again for reaching out!</p> <p><i>LCB Policy & Rules Coordinators</i></p>
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CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6105

Chapter 250, Laws of 2024

68th Legislature
2024 Regular Session

ADULT ENTERTAINMENT ESTABLISHMENTS

EFFECTIVE DATE: June 6, 2024—Except for sections 1 and 2, which take effect January 1, 2025.

Passed by the Senate March 5, 2024
Yeas 29 Nays 20

DENNY HECK

President of the Senate

Passed by the House February 27, 2024
Yeas 58 Nays 36

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 25, 2024 2:18 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6105** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 26, 2024

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6105

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Saldaña, Trudeau, Nguyen, Hunt, Lovelett, Pedersen, and C. Wilson)

READ FIRST TIME 01/30/24.

1 AN ACT Relating to creating safer working conditions in adult
2 entertainment establishments; amending RCW 49.17.470; adding a new
3 section to chapter 49.46 RCW; adding a new section to chapter 49.44
4 RCW; adding a new section to chapter 66.24 RCW; creating a new
5 section; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 49.17.470 and 2019 c 304 s 1 are each amended to
8 read as follows:

9 (1)(a) The department shall develop or contract for the
10 development of training for entertainers. The training must include,
11 but not be limited to:

12 (i) Education about the rights and responsibilities of
13 entertainers, including with respect to working as an employee or
14 independent contractor;

15 (ii) Reporting of workplace injuries, including sexual and
16 physical abuse and sexual harassment;

17 (iii) The risk of human trafficking;

18 (iv) Financial aspects of the entertainer profession; and

19 (v) Resources for assistance.

20 (b) As a condition of receiving or renewing an adult entertainer
21 license issued by a local government on or after July 1, 2020, an

1 entertainer must provide proof that the entertainer took the training
2 described in (a) of this subsection. The department must make the
3 training reasonably available to allow entertainers sufficient time
4 to take the training in order to receive or renew their licenses on
5 or after July 1, 2020.

6 (2)(a) An adult entertainment establishment must provide training
7 to its employees other than entertainers to minimize occurrences of
8 unprofessional behavior and enable employees to support entertainers
9 in times of conflict.

10 (b) An establishment must require all employees other than
11 entertainers to complete the training by the later of: (i) March 1,
12 2025; or (ii) within 30 days of hiring for recorded content or 120
13 days of hiring for live courses. Employees must complete the training
14 at least every two years thereafter.

15 (c) The training content must be developed and provided by a
16 third-party qualified professional with experience and expertise in
17 personnel training. If possible, the training should be designed for
18 use by adult entertainment establishments. When practicable, the
19 training must be translated if necessary for one or more non-English-
20 speaking employees to understand the training.

21 (d) The training topics must include, but are not limited to:

22 (i) Preventing sexual harassment, sexual discrimination, and
23 assault in the workplace;

24 (ii) Information on how to identify and report human trafficking;

25 (iii) Conflict deescalation between entertainers, other
26 employees, and patrons; and

27 (iv) Providing first aid.

28 (e) An adult entertainment establishment must offer entertainers
29 the ability to opt in to trainings offered under this subsection.

30 (f) The department may require annual reporting on training
31 required under this subsection in a manner determined by the
32 department.

33 (3) An adult entertainment establishment must provide ((a)) an
34 accessible panic button in each room in the establishment in which an
35 entertainer may be alone with a customer, and in bathrooms and
36 dressing rooms. An entertainer may use the panic button if the
37 entertainer has been harmed, reasonably believes there is a risk of
38 harm, or there is ((an other)) another emergency in the entertainer's
39 presence. The entertainer may cease work and leave the immediate area
40 to await the arrival of assistance. The establishment must provide to

1 the department, at least annually, proof of compliance with this
2 subsection and maintenance records showing that panic buttons are
3 maintained and checked to ensure they are in working condition.

4 ~~((3))~~ (4) (a) An adult entertainment establishment must record
5 the ~~((accusations))~~ allegations it receives that a customer has
6 committed sex trafficking, prostitution, promotion of prostitution,
7 or an act of violence, including assault, sexual assault, or sexual
8 harassment, towards an entertainer. The establishment must make every
9 effort to obtain the customer's name and if the establishment cannot
10 determine the name, it must record as much identifying information
11 about the customer as is reasonably possible. The establishment must
12 retain a record of the customer's identifying information and written
13 detail about the incident for at least five years after the most
14 recent ~~((accusation))~~ allegation.

15 (b) If an ~~((accusation))~~ allegation involving a customer is
16 supported by a statement made under penalty of perjury or other
17 evidence, the adult entertainment establishment must decline to allow
18 the customer to return to the establishment for at least three years
19 after the date of the incident. The establishment must share the
20 information about the customer with other establishments with common
21 ownership and those establishments with common ownership must also
22 decline to allow the customer to enter those establishments for at
23 least three years after the date of the incident. No entertainer may
24 be required to provide such a statement.

25 (c) An establishment must have written policies and procedures
26 for implementing the requirements of this subsection, which must
27 include a process for employees and entertainers to record
28 allegations involving a customer under this subsection. Upon the
29 request of the department, an establishment must make written
30 policies and procedures and any records under this subsection
31 available for inspection by the department.

32 ~~((4))~~ (5) An adult entertainment establishment must provide at
33 least one dedicated security person on the premises during operating
34 hours whose primary duty is security, including monitoring
35 interactions between entertainers and patrons. The department must
36 adopt rules for requiring security persons to not have duties other
37 than security during peak operating hours when necessary, and
38 requiring additional security persons when necessary. The rules must
39 take into account:

40 (a) The size of the establishment;

1 (b) The layout and floor plan of the establishment;

2 (c) The occupancy and patron volume;

3 (d) Security cameras and panic buttons;

4 (e) The history of security events at the establishment; and

5 (f) Other factors identified by the department.

6 (6) An adult entertainment establishment must:

7 (a) Provide appropriate cleaning supplies at all stage
8 performance areas;

9 (b) Equip dressing or locker rooms for entertainers with a keypad
10 requiring a code to enter; and

11 (c) Display signage at the entrance directing customers to
12 resources on appropriate etiquette.

13 (7) An adult entertainment establishment must have written
14 processes and procedures accessible to all employees and entertainers
15 for:

16 (a) Responding to customer violence or criminal activity,
17 including when police are called; and

18 (b) Ejecting customers who violate club policies, including
19 intoxication or other inappropriate or illegal behavior.

20 (8)(a) For the purposes of enforcement, except for subsection (1)
21 of this section, this section shall be considered a safety or health
22 standard under this chapter.

23 (b) If an establishment is eligible for and applies for a license
24 under chapter 66.24 RCW and any applicable rules, the liquor and
25 cannabis board must notify the department. The department must
26 conduct an inspection of the establishment to verify compliance with
27 this section within 90 days of receipt of the notice under this
28 subsection. The department must share information regarding
29 violations of this section with the liquor and cannabis board.

30 (c) The liquor and cannabis board must notify the department if
31 it observes a violation of subsection (3), (5), or (6) of this
32 section on the premises of any establishment operating with a license
33 under chapter 66.24 RCW.

34 ~~((5))~~ (9) This section does not affect an employer's
35 responsibility to provide a place of employment free from recognized
36 hazards or to otherwise comply with this chapter and other employment
37 laws.

38 ~~((6) The department shall convene an entertainer advisory~~
39 ~~committee to assist with the implementation of this section,~~
40 ~~including the elements of the training under subsection (1) of this~~

1 section. At least half of the advisory committee members must be
2 former entertainers who held or current entertainers who have held an
3 adult entertainer license issued by a local government for at least
4 five years. At least one member of the advisory committee must be an
5 adult entertainment establishment which is licensed by a local
6 government and operating in the state of Washington. The advisory
7 committee shall also consider whether additional measures would
8 increase the safety and security of entertainers, such as by
9 examining ways to make the procedures described in subsection (3) of
10 this section more effective and reviewing the fee structure for
11 entertainers. If the advisory committee finds and recommends
12 additional measures that would increase the safety and security of
13 entertainers and that those additional measures would require
14 legislative action, the department must report those recommendations
15 to the appropriate committees of the legislature.

16 ~~(7))~~ (10) The definitions in this subsection apply throughout
17 this section unless the context clearly requires otherwise.

18 (a) "Adult entertainment" means any exhibition, performance, or
19 dance of any type conducted ~~((in))~~ within the view of one or more
20 members of the public inside a premises where such exhibition,
21 performance, or dance involves an entertainer, who ~~((:~~

22 ~~(i) Is))~~ is unclothed or in such attire, costume, or clothing as
23 to expose to view any portion of the breast below the top of the
24 areola or any portion of the pubic region, anus, ~~((buttocks,))~~ vulva,
25 or genitals ~~((; or~~

26 ~~(ii) Touches, caresses, or fondles the breasts, buttocks, anus,~~
27 ~~genitals, or pubic region of another person, or permits the touching,~~
28 ~~caressing, or fondling of the entertainer's own breasts, buttocks,~~
29 ~~anus, genitals, or pubic region by another person)), with ~~((the))~~ an
30 intent to sexually arouse or excite another person.~~

31 (b) "Adult entertainment establishment" or "establishment" means
32 any business to which the public, patrons, or members are invited or
33 admitted where an entertainer provides adult entertainment to a
34 member of the public, a patron, or a member.

35 (c) "Entertainer" means any person who provides adult
36 entertainment within an adult entertainment establishment, whether or
37 not a fee is charged or accepted for entertainment and whether or not
38 the person is an employee under RCW 49.17.020.

39 (d) "Panic button" means an emergency contact device by which the
40 entertainer may summon immediate on-scene assistance from another

1 entertainer, a security guard, or a representative of the (~~{adult}~~)
2 adult entertainment establishment.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.46
4 RCW to read as follows:

5 (1) No adult entertainment establishment may allow any person
6 under the age of 18 on the premises. If an establishment serves
7 alcohol, the establishment may not allow any person under the age of
8 21 on the premises. This includes, but is not limited to, any
9 employee, entertainer, contractor, or customer.

10 (2) Any leasing fee or other fee charged by an establishment to
11 an entertainer must:

12 (a) Apply equally to all entertainers in a given establishment;

13 (b) Be stated in a written contract; and

14 (c) Continue to apply for a period of not less than three months
15 with effective dates.

16 (3) An establishment may not charge an entertainer:

17 (a) Any fees or interest for late payment or nonpayment of any
18 fee;

19 (b) A fee for failure to appear at a scheduled time;

20 (c) Any fees or interest that result in the entertainer carrying
21 forward an unpaid balance from any previously incurred leasing fee;

22 (d) Any leasing fee in an amount greater than the entertainer
23 receives during the applicable period of access to or usage of the
24 establishment premises; or

25 (e) (i) Within an eight-hour period, any leasing fee that exceeds:

26 (A) The lesser of \$150 or 30 percent of amounts collected by the
27 entertainer, excluding amounts collected for adult entertainment
28 provided in a private performance area; and

29 (B) 30 percent of amounts collected by the entertainer for adult
30 entertainment provided in a private performance area.

31 (ii) If an establishment charges an entertainer a leasing fee,
32 the contract must include a method for estimating the total amount
33 collected by the entertainer in any eight-hour period for the
34 purposes of this subsection (e).

35 (4) This section does not prevent an establishment from providing
36 leasing discounts or credits to encourage scheduling or charge
37 leasing fees that vary based on the time of day.

38 (5) All establishments must display signage in areas designated
39 for entertainers that entertainers are not required to surrender any

1 tips or gratuities and an establishment may not take adverse action
2 against an entertainer in response to the entertainer's use or
3 collection of tips or gratuities.

4 (6) No establishment may refuse to provide an entertainer with
5 written notice of the reason or reasons for any termination or
6 refusal to rehire the entertainer. Such notice must be provided
7 within 10 business days of the termination or refusal to rehire the
8 entertainer.

9 (7) The department may enforce subsections (2) through (6) of
10 this section under the provisions of this chapter and any applicable
11 rules. Any amounts owed to an entertainer under this section may be
12 enforced as a wage payment requirement under RCW 49.48.082. Any other
13 violation may be enforced as an administrative violation under this
14 chapter and any applicable rules. The department must share
15 information regarding violations of this section with the liquor and
16 cannabis board.

17 (8) The department may adopt rules to implement this chapter.

18 (9) The department must adjust the dollar amount in subsection
19 (3)(e) of this section every two years, beginning January 1, 2027,
20 based upon changes in the consumer price index during that time
21 period.

22 (10) For purposes of this section:

23 (a) "Adult entertainment" has the same meaning as in RCW
24 49.17.470.

25 (b) "Adult entertainment establishment" or "establishment" has
26 the same meaning as in RCW 49.17.470.

27 (c) "Entertainer" means any person who provides adult
28 entertainment within an adult entertainment establishment, whether or
29 not a fee is charged or accepted for entertainment and whether or not
30 the person is an employee under RCW 49.46.010.

31 (d) "Leasing fee" means a fee, charge, or other request for money
32 from an entertainer by an establishment in exchange for the
33 entertainer's access or use of the establishment premises or for
34 allowing an entertainer to conduct entertainment on the premises.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.44
36 RCW to read as follows:

37 (1) A city with a population of more than 650,000 or a county
38 with a population of more than 2,000,000 may not adopt or enforce
39 ordinances or regulations that:

1 (a) Limit or prohibit an entertainer from collecting payment for
2 adult entertainment from customers; or

3 (b) Restrict an entertainer's proximity or distance from others
4 before or after any adult entertainment, or restrict the customer's
5 proximity or distance from the stage during any adult entertainment,
6 so long as there is no contact between the dancers and customers.

7 (2) For the purposes of this section:

8 (a) "Entertainer" has the same meaning as in RCW 49.17.470.

9 (b) "Entertainment" has the same meaning as "adult entertainment"
10 in RCW 49.17.470.

11 (c) "Establishment" has the same meaning as "adult entertainment
12 establishment" in RCW 49.17.470.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 66.24
14 RCW to read as follows:

15 (1) The board may not adopt a rule or enforce any such rule
16 restricting the exposure of body parts by any licensee under this
17 title, its employees or patrons, or any other person under the
18 control or direction of the licensee or an employee, or otherwise
19 restricting sexually oriented conduct of any licensee under this
20 title, its employees or patrons, or any other person under the
21 control or direction of the licensee or an employee.

22 (2) This section may not be construed to permit conduct that is
23 otherwise prohibited under other statutes in the Revised Code of
24 Washington.

25 NEW SECTION. **Sec. 5.** The liquor and cannabis board shall repeal
26 WAC 314-11-050 in its entirety. The liquor and cannabis board is
27 preempted from adopting any similar rule as provided under section 4
28 of this act.

29 NEW SECTION. **Sec. 6.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 7.** Sections 1 and 2 of this act take effect
34 January 1, 2025.

Passed by the Senate March 5, 2024.
Passed by the House February 27, 2024.

Approved by the Governor March 25, 2024.
Filed in Office of Secretary of State March 26, 2024.

--- **END** ---