CONCISE EXPLANATORY STATEMENT

Adult Entertainer Safety (ESSB 6105 Implementation)

Chapter 296-831 WAC, Adult Entertainer Safety
Public Hearings: October 14 & 15, 2024
Adoption: December 2, 2024
Effective: January 2, 2025

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I. Purpose of Rulemaking

The Washington State legislature passed Engrossed Substitute Senate Bill (ESSB) 6105 during the 2024 legislative session, codified, in part, as RCW 49.17.470 and RCW 49.46.360. The bill provided new protections for adult entertainers (entertainers) in adult entertainment establishments (establishments), and grants enforcement authority to the Department of Labor & Industries' (L&I) Division of Occupational Safety and Health (DOSH) and Fraud Prevention and Labor Standards (FPLS) division. The two divisions are conducting simultaneous but separate rulemakings for their respective provisions of ESSB 6105.

ESSB 6105 establishes the following safety and health standards enforced by DOSH:

- Training requirements for employees other than entertainers.
- A requirement for establishments to submit annual proof of compliance with panic button requirements.
- Written policies and procedures developed by establishments for implementing requirements related to allegations of specific customer acts.
- Dedicated security personnel required in establishments.
- Requirements for appropriate cleaning supplies, keypads for dressing or locker rooms, signage for customers about appropriate etiquette, and additional written policies and procedures.

ESSB 6105 establishes the following labor standards enforced by FPLS:

- Leasing fee caps for entertainers.
- Written contracts.
- Tips and gratuities.
- Signage.
- Written notices for termination and refusal to rehire.

- Retaliation protections for entertainers.
- L&I enforcement provisions.

A. Background

DOSH and FPLS engaged in rulemaking to clarify and implement the requirements found in ESSB 6105. The adopted rules intend to enhance the safety and workplace rights for entertainers in establishments.

The rule adopted by DOSH, chapter 296-831 WAC, will implement the statutory requirements and:

- Create a definition for a key term used in the chapter.
- Add a general requirements section to clarify existing requirements for establishments, and aid establishments in compliance with new requirements.
- Provide guidance to establishments on how to determine "accessibility" of panic buttons, and clarify requirements for submitting annual proof of compliance with the panic button provisions.
- Add guidance to assist establishments in determining peak operating hours, and provide guidance to help establishments assess when the need for additional security personnel exists.
- Clarify language to assist establishments in differentiating between a customer complaint log and a blocklist.
- Update existing resources in the rule aimed at assisting establishments with compliance.
- Make housekeeping adjustments.

The rule adopted by FPLS, chapter 296-128 WAC, will implement the statutory requirements and:

- Create definitions for key terms used in the chapter.
- Create guidance on leasing fees and other fees.

- Create guidance on tips and gratuities.
- Adopt guidance on written contracts of leasing fees.
- Establish signage requirements.
- Adopt requirements for written notices of termination.
- Adopt retaliation protections for entertainers.
- Adopt enforcement guidance for complaints, investigations, and remedies.
- Create enforcement mechanisms for retaliation protections for entertainers including the complaint, investigation, citation and appeals processes.
- Establish collection procedures for unpaid citations.

B. Summary of the rulemaking activities

While drafting the proposed rules, L&I conducted multiple rounds of informal preliminary stakeholder engagement. L&I released preliminary drafts of the proposed rule language for public comment and held two stakeholder feedback meetings. L&I filed the FPLS CR-102 on September 3, 2024, and the DOSH CR-102 on September 4, 2024. Stakeholders had the opportunity to provide formal public comment at one in-person public hearing, one virtual public hearing, and by email, fax, and mail. L&I used the feedback received during the formal comment period to make updates to the language in the adopted rules.

II. Changes to the Rules (Proposed rule versus rule adopted)

The following are the changes between the proposed rules and the rules as adopted, other than minor editing:

WAC 296-831-300 Panic button requirements. Clarifies that the accessibility of panic buttons must be assessed by establishments at least annually, and makes updates to the sample panic button checklist.
WAC 296-831-450 Security personnel requirements. Removes the 25:1 customer to security personnel ratio previously identified as a baseline for compliance with determining the appropriate number of security personnel in an establishment.

WAC 296-831-500 Customer complaint log and blocklist requirements. Modifies the title of the section, and adds language to assist establishments in differentiating between a customer complaint log and a blocklist.

III. Comments on Proposed Rule

A. Comment Period

The formal public comment period for this rulemaking began on September 5 (DOSH rulemaking), 2024, and ended October 18, 2024. L&I received a total of six written comments and 11 people provided oral testimony during public hearings.

B. Public Hearings

DOSH and FPLS held two joint public hearings:

Date:	Time:	Location:	Attendance	Testified:
October 14, 2024	11:00 a.m.	Tukwila, WA	13	6
October 15, 2024	2:00 p.m.	Virtual via Zoom	17	5

C. Summary of Comments Received and L&I's Responses

Below is a summary of the comments L&I received, both through testimony and written comments, and the responses. Comments received are summarized by topic in order to provide clarity for response, and are not a verbatim accounting of each individual comment.

General Comments	L&I Response
L&I should require clubs to post information on resources. That is a big part of what I do in the community is connect people to resources and make sure that people have options if they are worried that they are a victim of sex trafficking or violence. That would be something that I would hope would be posted in common areas, perhaps in the bathroom where it might be discrete. L&I staff training also should provide	Thank you for your comment. RCW 49.17.470(1)(b) requires all entertainers, as a condition of receiving an adult entertainer license, to provide proof of completion of a "know your rights" training. The training includes information and resources related to the risk of human trafficking.

understanding so that people can relate to the concept of trauma-informed care so that L&I staff are aware of how to identify sex trafficking but also the things that might intertwine or overlap at the intersection of trafficking and attempting to have livable wage employment. And if they believe something is occurring, they need to know, again, what types of red flags to look for and then who to report to or how to refer.	Effective January 1, 2025, RCW 49.17.470(2)(a) requires establishments to provide training to employees other than adult entertainers. RCW 49.17.470(2)(d) provides a list of topics the training must contain, which includes information on how to identify and report human trafficking. Establishments must offer entertainers the ability to opt into those trainings. As part of the implementation of ESSB 6105, L&I intends to have all L&I staff tasked with outreach, enforcement, and implementation to receive a human trafficking awareness training. While there is not a requirement for establishments to post information about resources specifically for entertainers, establishments may choose to do so. This comment did not result in a change to the adopted rule language.
I think that clubs should be required to post information on resources for the entertainers and other workers at the club. They should have access to resources. There are organizations that deal with sex trafficking and exploitation, and they should be knowledgeable and know what these resources are. The clubs should provide that information. And if anybody, any staff believes that anybody is a victim of sex trafficking, sexual assault, stalking, domestic violence, any of that, we encourage that be, taken care of and addressed, not just ignored by staff.	Thank you for your comment. RCW 49.17.470(1)(b) requires all entertainers, as a condition of receiving an adult entertainer license, to provide proof of completion of a "know your rights" training. The training includes information and resources related to the risk of human trafficking. Effective January 1, 2025, RCW 49.17.470(2)(a) requires establishments to provide training to employees other than adult entertainers. RCW 49.17.470(2)(d) provides a list of topics the training must contain, which includes information on how to identify and report human trafficking.

	Establishments must offer entertainers the ability to opt into those trainings. While there is not a requirement for establishments to post information about resources specifically for entertainers, establishments may choose to do so. This comment did not result in a change to the adopted rule language.
I think I would speak for everybody, hopefully, that all the club owners are really concerned about the safety of everybody in the club, not just the entertainers, but our employees as well. I think that goes without saying. I think that we are all on board to help L&I take care of this, as well as the Liquor and Cannabis Board. I would like to just say that some of these issues in this law are in my opinion draconian, and they are going to put us in risk of not being a viable company. And it may be something the goose that laid the golden egg is to be gone. You are going to regulate us out of business, either between fines from L&I, which can be inundating, or from the fact that we got just too much to do to comply with this law as it states. I think we are all on board as far as working with L&I and Liquor and Cannabis Board to make this work. We are definitely serious. I know we have two security guys at night, every night. Just be careful what we do here because it may put us in a situation where we are no longer a viable business. Then the entertainers will get exactly what they want. They will be secure in their own homes because they will not have a place to go to.	Thank you for your comment. This comment did not result in a change to the adopted rule language.
WAC 296-831-250 General requirements.	
We are concerned about an increased risk of injury if isopropyl alcohol is prohibited as a pole-cleaning chemical, leading to the removal of poles. Isopropyl alcohol is an	Thank you for your comment.

industry-standard pole-cleaning chemical, and Washington would be the only state we know to prohibit its use. Alternatives have been tried; however, the risk of slipping has dramatically increased. Lots of other chemicals can be used on the pole for cleaning and would create an increased safety and health risk with chemicals that are not safe for the skin, and they've been used in the past and have had injuries, reportable injuries, with dermatitis and some rashes on the skins, and it also creates a really slick hazard where people have slipped and hurt themselves on the stage as well. The list of cleaning chemicals from DOSH still has yet to be released for anyone in the industry (dancers, owners, or consultants) to review, therefore it is challenging to make a comment on this list without knowing the implications of the chemicals and how they are to be used.	L&I has not determined that isopropyl alcohol fails to meet the requirements for appropriate cleaning supplies, as required by RCW 49.17.470(6)(a), effective January 1, 2025. In order to assist establishments with compliance, L&I is developing a non-exhaustive list of cleaning supplies which meet the requirements for effective non-porous surface decontamination in establishments. This list will be posted to the L&I website in conjunction with the effective date of these rules, and can be used as a compliance resource for establishments. Establishments are able to use isopropyl alcohol to decontaminate surfaces, as long as manufacturer's instructions for use of isopropyl alcohol are followed. For example ensuring appropriate contact time for surface decontamination and concentration. This comment did not result in a change to the adopted rule language.
WAC 296-831-300 Panic button requirements.	
There does not appear to be any consistent requirements for how a club decides proper placement of the panic button option. There should be some baseline requirements for these devices that clubs can go above those requirements and take extra steps to make sure that entertainers know about them, where they are placed, et cetera, but not below a certain standard, just like we would have a standard for a smoke alarm.	Thank you for your comment. Effective January 1, 2025, RCW 49.17.470(3) requires establishments to "…provide an *accessible* panic button in each room in the establishment in which an entertainer may be alone with a customer, and in bathrooms and dressing room." ESSB 6105 added the requirement that panic buttons must be "accessible." WAC 296-831-300(2) requires that establishments make determinations about the accessibility of panic buttons "…in coordination with, and based on, recommendations provided

	by entertainers on the appropriate location for placement of a panic button based on the entertainer's point of use." This requirement works to account for variability in establishments (e.g. layout, design, etc.), while ensuring that panic button placement effectively accounts for entertainer access in those locations in establishments where panic buttons are required. WAC 296-831-400 also requires establishments to train entertainers on panic buttons including their location, type and use. This comment did not result in a change to the adopted rule language.
The panic button section is overall agreeable; however, there is limited understanding of how in a real-world situation a club should determine the movement and frequency of movement of a panic button location, especially to the extent that an inspector would interpret this language to issue a violation. The rule states that the panic button locations are set in location "in coordination with, and based on, recommendations provided by entertainers," and that the safety committee unanimously determines locations to move the alarms. • If a club owner moves panic buttons in June due to an incident and dancer recommendation, what should management do if, in July, a new group of dancers wants to move the button to the opposite wall? Does management get to override the July decision based on the incident in June? It is unclear in the rule's language if the committee or the dancers determine the final fixed location of the button, and there is concern that management who must maintain the buttons	Thank you for your comment. In an effort to be consistent with the other requirements related to panic buttons, the adopted rule includes new language added to WAC 296-831-200(2), stating that "Establishments must assess the accessibility of panic buttons at least annually." The panic button checklist provided in WAC 296-831-300(6) is a sample checklist L&I has produced for establishments to use a resource. Establishments are not required to use the checklist, and establishments are not required to submit the checklist to L&I for compliance purposes. The checklist may be used by establishments to aid in compliance.

physically, financially, and through training won't have input on their location. • Concerns have been expressed that these locations should be determined annually when the clubs send the annual panic button checklist to the Department. • Please clarify where or how the checklist will be submitted to the department. Is this a document that is expected to be kept annually for DOSH inspection purposes but not submitted to the Department?	
WAC 296-831-400 Training requirements.	
In response to training, just wanted to state these two or three things. L&I should develop a training model used for the clubs rather than leaving it up to each club. There are experts in our state who can assist with this. It shouldn't be left up to each club. We would hope that you would put together a list of individuals such as myself who have either behavioral health or lived experience and behavioral health experience who are qualified to do this training. We encourage you to work with experts in this area to identify and vet those experts. Training should be done only by those in a vetted pool. So it wouldn't just be outside people who are commercial or some sort of other experts.	Thank you for your comment. Effective January 1, 2025, RCW 49.17.470(2)(a) requires establishments to provide training to its employees other than entertainers and RCW 49.17.470(2)(c) sets forth a requirement for the training to be provided by a "…third-party qualified professional with experience and expertise in personnel training." WAC 296-831-400(3)(b) provides a definition of third-party qualified professional. The statute provides discretion to establishments when making determinations about what third-party qualified professional(s) to use in order to comply with the training requirement, and the rule specifies that the third-party professional(s) providing the training cannot have interest, financial or otherwise, direct or indirect, in the establishment or any establishments with common ownership. This comment did not result in a change to the adopted rule language.

The staff training as written allows the entertainers to opt out. L&I should consider monitoring each club to see how many of the entertainers are opting in and monitoring that, hoping that more folks are taking the training than not taking that training. The entertainers, if provided this training, will be in the best position to identify who has and has not attended.	Thank you for your comment. RCW 49.17.470(2) specifically provides the requirement for employees other than entertainers to take the training. Entertainers may opt in, but there is no requirement for them to participate. It is the obligation of the establishment to ensure that employees of the establishment have taken the training within the required time period. This comment did not result in a change to the adopted rule language.
We would hope that the first aid training should cover how to respond if there's a drug overdose on the premises because that's a basic public health issue that we're all seeing in society. Folks with expertise in sex trafficking don't necessarily have that, but many of us have career paths that would also be able to overlap and support that type of experience.	Thank you for your comment. Effective January 1, 2025, RCW 49.17.470(2)(a) requires establishments to provide training to employees other than adult entertainers. RCW 49.17.470(2)(d) provides a list of topics the training must include, which includes information on providing first aid. First aid training may include information about how to respond to an overdose, but it is not required. This comment did not result in a change to the adopted rule language.
All staff needs to be trained on how to identify sex trafficking and what to do if they believe it is happening. And not just sex trafficking, but stalking, which is a big deal and people do get hurt. People have been in my time in that industry, people were killed because of stalkers, customers. I also agree with keeping track of who is coming into those clubs. I just believe that safety is very important and that the training should be done by survivors of exploitation or people who know about	Thank you for your comment. Effective January 1, 2025, RCW 49.17.470(2)(a) requires establishments to provide training to employees other than adult entertainers. RCW 49.17.470(2)(d) provides a list of topics the training must include, which includes information on how to identify and report human trafficking.

what exploitation looks like and feels like, and also people who can identify sexual assault and domestic violence and how to deal with that. That needs to be done by people, not people within the clubs, but experts outside in the community who have been doing this for decades.	The training topics identified at RCW 49.17.470(2)(d) reflect the minimum requirements for information that must be contained in the training, and establishments may choose to include training topics beyond those specified in the statute, such as information related to stalking. The statute provides discretion to establishments when making determinations about what third-party qualified professional(s) to use in order to comply with the training requirement, and the rule specifies that the third-party professional(s) providing the training cannot have interest, financial or otherwise, direct or indirect, in the establishment or any establishments with common ownership. Additionally, existing statute RCW 49.17.470(1)(b) requires all entertainers, as a condition of receiving an adult entertainer license, to provide proof of completion of a "know your rights" training. The training includes information and resources related to the risk of human trafficking. This comment did not result in a change to the adopted rule language.
I would advocate that we have an outside training brought in. Strip clubs are in the business of selling sexy things. I know in this commercial sex trade sometimes violence is sexy or identified as under that umbrella. I think that if you could bring in professionals who do this work on a daily basis for years, and who are experts on the issues occurring in the sex trade, harms and risks and indicators would just be a much more robust training and keep people safe.	Thank you for your comment. Effective January 1, 2025, RCW 49.17.470(2) requires establishments to provide training to its employees other than entertainers, and RCW 49.17.470(2)(c) sets forth a requirement for the training to be provided by a "…third-party qualified professional with experience and expertise in personnel training." WAC 296-831-400(3)(b) provides a definition of third-party qualified professional.

	The statute provides discretion to establishments when making determinations about what third-party qualified professional(s) to use in order to comply with the training requirement, and the rule specifies that the third-party professional(s) providing the training cannot have interest, financial or otherwise, direct or indirect, in the establishment or any establishments with common ownership. This comment did not result in a change to the adopted rule language.
I would like to give testimony on ESSB 6105, to add a requirement that adult entertainment establishments provide training inclusive of the topics to its employees rather than entertainers. I have been a sex worker and stripper for 28 years. I have been robbed by customers, and it has been recorded on cameras on the shop floor. I have also been physically choked by customers while giving dances on the shop floor. The result of that has been that stripper, myself, was reprimanded and yelled at and sent home because I wanted to call the police. I think that it is for the safety of workers to have a safe and sane work environment, it is the employer's job and the club owner's job to provide training to the employees to actually act in ways that benefit the safety of the workers instead of reprimand the workers when we are treated disrespectfully and harmed on the job. I just wanted to testify that a training for the employees and security personnel of the club, that is their job. And it is often confused with them doing other jobs and that those jobs are not in favor of the strippers who are at risk on the shop floor.	Thank you for your comment. Effective January 1, 2025, RCW 49.17.470(2) requires establishments to provide training to its employees other than entertainers. RCW 49.17.470(2)(d) provides a list of topics the training must include, which includes conflict de-escalation between entertainers, other employees, and patrons. Employers are prohibited from retaliating or taking any adverse action against an employee for exercising their rights related to safety and health protections. This includes an employee reporting acts of workplace violence to the employer or L&I. Employees are also protected from reporting to a state or local government agency that deals with hazards that can confront employees, even where the agency deals with public safety or health, such as a police department. This comment did not result in a change to the adopted rule language.
I wanted to say that there is a lot of good safety stuff and parameters defining what needs to be given during the	Thank you for your comment.

training in this bill already, and I appreciate everyone who already worked on the bill and set that up.	This comment did not result in a change to the adopted rule language.
WAC 296-831-450 Security personnel requirements.	
We want some stronger security clarification. A lot of dancers have concerns still that perhaps security guards could be still door people. That is pretty much the set up that we have now, and it is not working because there are folks who are at the front of the door carding people and then completely missing the rest of the club. Additionally, I wonder if we could add some language that if there are multiple complaints or instances of conflict that was not responded to by security if clubs could be told to increase security numbers.	Thank you for your comment. WAC 296-831-450(2) specifies that "During peak operating hours, security personnel cannot have duties other than security." Effective January 1, 2025, RCW 49.17.470(5) requires that an establishment "…must provide at least one dedicated security person on the premises during operating hours whose primary duty is security, including monitoring interactions between entertainers and patrons." This means that even outside of peak operating hours, the primary duty of these personnel must still be "security," but L&I cannot require that it is their "only" duty outside of peak hours. WAC 296-831-450(4) states that "If a security issue arises outside of peak operating hours, the dedicated security personnel required under subsection (1) of this section must be immediately relieved of any additional duties and be available to provide immediate assistance to entertainers." The purpose of this language is to ensure that if the security personnel required under RCW 49.17.470(5) are engaging in duties other than security outside of peak operating hours, responding to situations where entertainers are in need of assistance must take priority over the execution of any other tasks they are performing. WAC 296-831-450(3)(e) requires that "The history of security events at the establishment, such as the number of reports filed with law enforcement, and the number of customers

	added to the blocklist, in the preceding 90-day period…" be considered as a factor in determining when the need for additional security personnel exists. WAC 296-831-450(3) also specifies that the need for additional security personnel could occur outside of peak operating hours. This comment did not result in a change to the adopted rule language.
I just wanted to speak to the safety standards with security. It is a very big concern that there is more than one security, ideally, due to the fact that in dance areas in the private dance areas in most of the clubs in Seattle and Washington, they are very far apart. If two incidences were to be happening at one time, it would be hard for a single person to be able to protect a multitude of people. Also it is a huge concern that their main job strictly be security because I have been working recently where there has not been any security until around 9 or 10 p.m., and a panic button has been pulled, and it has been a manager having to brave a situation when that should not ever be happening. It is a huge concern that we are protected and that protection is their main concern, not just who can fill in at a certain time.	Thank you for your comments. Effective January 1, 2025, RCW 49.17.470(5) states "An adult entertainment establishment must provide at least one dedicated security person on the premises during operating hours whose primary duty is security, including monitoring interactions between entertainers and patrons." One dedicated security person at all times is the minimum requirement in the statute. This means that even outside of peak operating hours, the primary duty of these personnel must still be "security," but L&I cannot require that it is their "only" duty outside of peak hours. RCW 49.17.470(5) also directed L&I to adopt rules, including rules that determine requirements for when additional security personnel are necessary. The purpose of the rule language, located at WAC 296-831-450(3)(a)-(f) is to help ensure that appropriate security staffing levels are established based on the needs of each individual establishment. The proposed rule included a minimum customer to security ratio of 25:1. Upon further review of this language, L&I determined that the ratio identified in WAC 296-831-450(3)(c) resulted in disproportionately greater weight being given to the occupancy and customer volume factor than the
I also wanted to echo what has already been said in regards to the safety portion of this, about the security minimum. I think it is important to have security that is dedicated to that is their only job as opposed to having them also be door guys because when the job is split, they are not able to do the security portion of their job as effectively. Also, when there is only one security guard, that security guard has to leave the building to walk us to our cars, then effectively there is no security in the building. In my experience, when there are two security guards, but one of them is working as a door guy, they kind of just hang out in the front of the club, and there is no real help	

in the dance areas. I think it would make me feel more safe if we have extra security.	other factors identified in WAC 296-831-450(3). For the purposes of determining compliance, a comprehensive assessment of all factors listed at WAC 296-831-450(a)-(f) must be taken into account, and could result in the need for a customer to security personnel ratio that is lower than 25:1. L&I has removed the 25:1 ratio from the adopted rule.
I would like to comment about security. I wanted to say that I do not think that security and a doorman should be counted as the same thing or the same job. I think that it should be separate because of the fact that if someone is security and their job is both being the doorman and security, they are unable to tend to girls at need at all times. I just think it is really important to have specification that our security is just doing security and no other jobs because even when we are not busy, there is still girls that are leaving the club, coming in the club, that need to be safely walked to their cars. Or if there is a girl who needs help from security in a private room or in a lap dance area or on the floor and there is a security guard at the door letting people in, typically we are not the ones that are being responded to first. Even if we are, then we have those customers that are left at the door to just sit and either leave or wait. I do really think that we should specify that security and doorman are not the same job and that they should not be the same job. I really do think that one security guard at all times when we are not busy would be good as long as we also have a doorman separate from the security.	
I believe that having two security guards would be very crucial to a safe environment. As someone who has been assaulted in the club before, having only one door guy was not and is not enough since they are typically worried about monitoring the door and checking people in rather than worried about the security portion. Having multiple people be able to help in emergency situations is important, especially when management is unable to do so, and is crucial to a safe work environment. A major reason as to why I do not feel safe in the clubs currently is the lack of security.	

I just wanted to say that I wanted to echo the previous commenter's sentiment that we just want to make sure that the security guards, that there are a certain amount of security guards that are designated trained security guards as opposed to people that are doing other jobs as well. And in terms of, determining when is, for example, a peak hour that there is at least one security guard irregardless of what is determined a peak hour.	Thank you for your comment. Effective January 1, 2025, RCW 49.17.470(5) states "An adult entertainment establishment must provide at least one dedicated security person on the premises during operating hours whose primary duty is security, including monitoring interactions between entertainers and patrons." One dedicated security person at all times is the minimum requirement in the statute, including outside of peak operating hours. This means that even outside of peak operating hours, the primary duty of these personnel must still be "security," but L&I cannot require that it is their "only" duty outside of peak hours. This comment did not result in a change to the adopted rule language.
The security section needs specific language that indicates the person who fulfills the role does not need to be a third-party contractor. It is expected that the person who fulfills the role during peak hours as their sole duty will be trained and have no other duties than security; however, this person may be an employee who has other duties in the club in off-hours as well.	Thank you for your comment. RCW 49.17.470 and WAC 296-831 do not specify that security personnel need to be third-party contractors, nor do the requirements indicate that the role of security personnel cannot be filled by employees in the establishment who have other duties outside of peak operating hours. However, if an employee is satisfying the requirement for a dedicated security person, security must be their primary duty and they must be relieved of any other duties to immediately provide assistance to entertainers. This comment did not result in a change to the adopted rule language.
The specific language of "A 25:1 ratio of customers to security personnel will be deemed to be in compliance with this requirement" should be stricken. There is concern that an	Thank you for your comment.

inspector will read this line and default to the specific language over the nine other paragraphs in the section which dictate how a club should determine how to calculate peak hours. There is concern from the industry that from this rule and industry best practices, there are multiple protective measures in place, such as staffing to supplement the dedicated security person during peak hours who will also monitor safety/health/security, panic buttons, video monitoring throughout the club, training for all workers, etc. that must be considered. We would appreciate discussion about the requirements compared to what nightclubs or other like venues are required to do. Considering that the Legislature suspended conduct ordinances at bars, this section may be inadvertently creating a strong financial incentive to transition away from traditional strip club venues should staffing costs become untenable. We disagree with the findings of the Preliminary Cost-Benefit Analysis that no additional cost is expected as a result of this rule. The costs may be indeterminate based on how the security requirement is implemented at each establishment but are likely to involve additional staffing or increased staffing expenses. Several hundred individuals are employed by adult entertainment establishments who are not entertainers, and will now receive security training which too incurs a cost.	The 25:1 customer to security ratio listed in WAC 296-831-450(3)(c) was provided in an effort to establish a minimum standard for compliance with the requirements related to the appropriate number of security personnel. Upon further review of this language, L&I determined that the ratio identified in WAC 296-831-450(3)(c) resulted in disproportionately greater weight being given to the occupancy and customer volume factor than the other factors identified in WAC 296-831-450(3). For the purposes of determining compliance, a comprehensive assessment of all factors listed at WAC 296-831-450(a)-(f) must be taken into account, and could result in the need for a customer to security personnel ratio that is lower than 25:1. Therefore, the customer to security personnel ratio previously contained in WAC 296-831-450(3)(c) has been removed and is not included in the adopted rule language. Effective January 1, 2025, RCW 49.17.470(5) requires establishments to provide a minimum of one dedicated security person on the premises during operating hours. RCW 49.17.470(5)(a)-(e) provides a list of factors L&I was directed to address in rule when determining the need for additional security personnel. The language in WAC 296-831-450(a)-(f) closely aligns with the requirements contained in RCW 49.17.470(5)(a)-(e), with the exception of the factor addressing whether or not an establishment holds any license issued under chapter 66.24 RCW. Establishments are not required to hold a license issued under chapter 66.24 RCW, however if they choose to, it is an additional factor that needs to be taken into consideration when performing an overall assessment of their need for

	security personnel. It does not automatically obligate establishments to have additional security personnel.
Who is determining the rule on the ratio of guests to determine security requirements, because that has a lot of questions around that as well, it is looking like that will be a one size fits all clubs, but there are a lot of differences between clubs as far as layout, variable business due do to events that can not necessarily be anticipated, etc. Can you provide some clarity on that?	Thank you for your comment. The customer to security personnel ratio previously contained in WAC 296-831-450(3)(c) has been removed and is not included in the adopted rule language.
WAC 296-831-500 Customer complaint log requirements.	
The other area that we had a little concern about was the lack of reporting requirements. So on pages 2 through 22, those pages deal with the clubs keeping a log of customers who are alleged to have committed sex trafficking, prostitution, promotion of prostitution, or history in that area, or an act of violence. Nothing in the WAC requires the clubs to report those incidents to the police. And again, that would be a big, important step to take if there's concerns about those types of individuals being in the space with entertainers.	Thank you for your comments. Effective January 1, 2025, RCW 49.17.470(4)(a) requires establishments to "…record the allegations it receives that a customer has committed sex trafficking, prostitution, promotion of prostitution, or an act of violence, including assault, sexual assault, or sexual harassment, towards an entertainer." If an allegation under RCW 49.17.470(4)(a) is supported by a statement made under penalty of perjury or other evidence, and a customer is added to the establishment's blocklist, RCW 49.17.470(b) requires establishments to share that information with other establishments with common ownership. None of the requirements in RCW 49.17.470(4) specify that establishments must also report to law enforcement allegations of a customer committing sex trafficking, prostitution, promotion of prostitution, or an act of violence towards an entertainer. Entertainers have provided feedback indicating that mandatory reporting to law enforcement could
The usefulness of the form the entertainer or other staff there's a form that staff is required to fill out, but it is going to be of little use if reporting the criminal acts covered in this part of the WAC are not required to be reported to the police. So just making that very clear would be something that we would request.	

	act as a disincentive for entertainers to report allegations to establishments. RCW 49.17.470(7)(a) does require establishments to have written processes and procedures to include when the police are called. This does not create a requirement to call the police, but ensures that entertainers and all other employees are aware of the circumstances in which the police will be called. These comments did not result in a change to the adopted rule language.
We feel too much authority is left up to each individual club. The logs that each club is required to keep should have a consistent form that all clubs will use. That way it would be easier for reporting. This should be required and developed by L&I because it will be pretty difficult for L&I to use them if each one is a different format. We would ask that there's some uniformity there.	Thank you for your comment. RCW 49.17.470(3)(a), and WAC 296-831-500(1), currently require establishments to record accusations of specific customer actions, and effective January 1, 2025, the list of allegations (updated from "accusations") of specific customer actions establishments must record is expanded to include sex trafficking, prostitution, promotion of prostitution. The statute does not require uniformity in how establishments record the information, and the rules do not further specify how establishments record the information, to allow for a tracking mechanism that best suits individual establishments. This comment did not result in a change to the adopted rule language.
I would like to advocate for is that the clubs are responsible for keeping an updated list or keeping records of who is coming in and out of these clubs. We have traffickers recruiting people in strip clubs. I was actually recruited and trafficked out of a strip club in Portland, Oregon, in 1997. We	Thank you for your comment. L&I does not have the authority to require establishments to maintain a record of all customers that enter the establishment.

have men who choose to do harm to women that are in these clubs. We have prostitution that happens regularly in the clubs. I think that keeping a record could also protect these businesses from potential lawsuits or anything if they are willing to work with law enforcement. I think involving law enforcement when something happens in a club should definitely be in policy. Strip clubs are in the business of selling sexy things. I think the safety and other responsibilities should be left to the professionals and the experts.	This comment did not result in a change to the adopted rule language.
Dancers have unanimously discussed not wanting forced police reporting. I just want to put that out there for the customer blocklist logs that dancers have asked. That is not trauma-informed based under tons of research. Dancers do not want that having to be forced to interact with the police where they're not wanting to is actually very traumatic. We predict intimidation from clubs with the blocklist complaint document. Dancers are already reporting the management is telling them the police *have* to be involved if they filed a complaint. Some sort of clarification that the blocklists are not going to be submitted to the police would make dancers more likely to utilize them.	Thank you for your comments. Effective January 1, 2025, RCW 49.17.470(4)(a) requires establishments to "…record the allegations it receives that a customer has committed sex trafficking, prostitution, promotion of prostitution, or an act of violence, including assault, sexual assault, or sexual harassment, towards an entertainer." If an allegation under RCW 49.17.470(4)(a) is supported by a statement made under penalty of perjury or other evidence, the establishment must add the customer to the establishment's blocklist, as required by RCW 49.17.470(4)(b). Establishments cannot require entertainers to report allegations to law enforcement as a prerequisite to a customer being added to the blocklist. RCW 49.17.470(7)(a) does require establishments to have written processes and procedures to include when the police are called. This does not create a requirement to call the police, but ensures that entertainers and all other employees are aware of the circumstances in which the police will be called.
Dancers have given comment on concerns with the customer blocklist, the statement. We are worried about misinformation on the club's part of telling dancers that would have to be submitted to the police. It looks very official. We are worried that that could be used for intimidation. So maybe even just like a clarification on that piece of the written statement where blocklists just saying that like this will not be involuntarily submitted to the police, or something of that nature.	

	These comments did not result in a change to the adopted rule language.
We request clear delineation between the blocklist and customer complaint logs, terms that appear to be used interchangeably. The two lists serve completely distinct functions. The Department should be cautious in when and how complaint logs are used in rulemaking language as the misinterpretation of the language by an inspector, especially when layered in with unconscious bias and industry stigma, can have significant financial consequences for legitimate Washington industry. • A customer may go on the block list for assaulting a worker, stalking, or soliciting prostitution. • A club may also maintain a customer complaint log (which is a club by club managed and rubricked) for poor personal hygiene (ie: being excessively sweaty, having bad breath, smelling strongly of body odor or cologne), not paying for drinks, not paying for dances, interfering with performances, not following the rules of engagement but does not meet the threshold of assault or harassment, behavior outside of the club that management deems worthy of flagging for attention (ie: frequent neighborhood people who try to get into the club or stay in the vicinity). • We continue to raise deep concerns about the constitutionality of the block list requirement and the lack of due process or adjustments to the list based on an assessment of facts. The requirement is further confused by suggesting that the attestation of any entertainer overrides the statements of an entertainer who is the alleged victim. Further, the inclusion of prostitution raises concern of placing an entertainer themselves in legal jeopardy considering that an	Thank you for your comment. The title of WAC 296-831-500 has been updated from "Customer complaint log requirements" to "Customer complaint log and blocklist requirements" to help provide clarification that they are two distinctly different records. WAC 296-831-500(1) has been updated to clarify that allegations must be recorded by adult entertainment establishments "…in the customer complaint log…" WAC 296-831-500(2) has also been updated to, "If an allegation involving a customer is supported by a statement made under penalty of perjury or other evidence, the establishment must add the customer to a blocklist maintained by the establishment, and must prohibit the customer and must prohibit the customer from returning to the establishment for at least three years after the date of the incident." RCW 49.17.470(3)(a) currently requires establishments to record accusations it receives that a customer has committed an act of violence, including assault, sexual assault, or sexual harassment, towards an entertainer. RCW 49.17.470(3)(b) currently requires establishments to add customers to a blocklist if accusations a customer has committed an act listed RCW 49.17.470(3)(a) is supported by a statement made under penalty of perjury or other evidence. Effective January 1, 2025 the statute includes additional types of customer incidents in which an establishment must record,

accusation against a customer is an implicit accusation against the entertainer.	to now include "allegations" that a customer has "committed sex trafficking, prostitution, promotion of prostitution." The amended statutes also establishes a requirement for establishments to have written policies and procedures for implementing the blocklist requirements. However, the underlying requirement to add customers to a blocklist in certain situations remains unchanged. Nothing in the statute or rules would prohibit an establishment from having a separate customer complaint log that tracks information like poor personal hygiene, failure to pay, or not following the rules of engagement. However, the requirement to maintain a customer complaint log for allegations of sex trafficking, prostitution, promotion of prostitution, or an act of violence, including assault, sexual assault, or sexual harassment, and a blocklist for those allegations supported under a statement of perjury or other evidence, is stipulated in the statute and cannot be changed in the rule.