



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: December 02, 2024

TIME: 9:42 AM

WSR 24-24-074

Agency: Department of Labor & Industries (L&I)

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

This rulemaking implements the requirements of Section 1 of Engrossed Substitute Senate Bill (ESSB) 6105, Chapter 250, Laws of 2024, codified under RCW 49.17.470.

L&I's Division of Occupational Safety and Health (DOSH) is required to implement and enforce ESSB 6105 which addresses safety and health standards for entertainers at adult entertainment establishments. ESSB 6105, codified as RCW 49.17.470, becomes effective January 1, 2025.

L&I's Fraud Prevention and Labor Standards (FPLS) division also conducted rulemaking to clarify and implement the requirements of ESSB 6105 under chapter 49.46 RCW. The adopted rules also describe FPLS's enforcement mechanisms, including the complaint, investigation, citation, and appeals processes. The rules also provide for remedies and penalties for violations of the rules.

DOSH and FPLS engaged in simultaneous but separate rulemaking.

Specifically, this rulemaking addresses some of the following:

- Added a statutory requirement that an adult entertainment establishment provide training, inclusive of the training topics outlined in ESSB 6105, to its employees other than entertainers;
- Updated requirements to clarify that panic buttons in establishments must be accessible, added a statutory requirement to submit annual proof of compliance and panic button maintenance to L&I, and provided details about submitting proof of compliance;
- Added statutory requirements for establishments to provide appropriate cleaning supplies, equip dressing or locker rooms with a keypad requiring a code, displaying signage about appropriate customer etiquette, and establishing written processes and procedures for responding to customer violence and ejecting customers who violate club policies;
- Added a statutory requirement that an adult entertainment establishment have written policies and procedures for implementation of the block list and panic buttons requirements, and must make such policies, procedures, and any other related records available for inspection by L&I upon request;
- Added statutory requirements that an adult entertainment establishment provide dedicated security personnel and specify when security personnel may not engage in duties other than security, and provide guidance to assist establishments in determining peak operating hours, and how to assess when additional security is necessary;
- Clarified language to assist establishments in differentiating between a customer complaint log and blacklist; and
- Made other housekeeping amendments in chapter 296-831 WAC.

Citation of rules affected by this order:

New: WAC 296-831-250 and 296-831-450

Repealed:

Amended: WAC 296-831-100, 296-831-200, 296-831-300, 296-831-310, 296-831-400, and 296-831-500

Suspended:

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.470.

Other authority: Chapter 49.17 RCW, Engrossed Substitute Senate Bill (ESSB) 6105, Chapter 250, Laws of 2024

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-18-123 on September 4, 2024 (date).

Describe any changes other than editing from proposed to adopted version:

- **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.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Web site: [https://www.lni.wa.gov/rulemaking-activity/?query=adult entertainment](https://www.lni.wa.gov/rulemaking-activity/?query=adult+entertainment)

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>2</u>	Amended	<u>6</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>2</u>	Amended	<u>6</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: December 2, 2024

Signature:

Name: Joel Sacks

A handwritten signature in black ink that reads "Joel Sacks". The signature is written in a cursive style with a large initial 'J' and 'S'.

Title: Director