

ACTION ITEM #4

WSU All Campuses, Amendments to WAC Chapter 504-36-030 Health and Safety Regulations: Spectator Events –Safety Rules (Stacy Pearson/Bill Gardner)

May 5, 2017

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU All Campuses, Amendments to WAC Chapter 504-36-030, Health and Safety Regulations: Spectator Events –Safety Rules

PROPOSED: That the Board of Regents adopt the amendments to WAC Chapter 504-36-030 addressed below, relating to Health and Safety Regulations: Spectator Events –Safety Rules.

SUBMITTED BY: Stacy Pearson, Vice President for Finance and Administration

SUPPORTING INFORMATION: The Board of Regents has authority pursuant to Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal rules published in the Washington Administrative Code. WAC Chapter 504.36-030 concerns rules related to health and safety regulations at spectator events on the WSU Campuses. A summary of the proposed amendments follows, and a copy of the chapter, illustrating the specific changes, is appended as Attachment A.

This Action item differs from the previously presented Future Action Item in format and organization but remains substantively the same.

The proposed changes have been reviewed by the Washington State University's Division of the Office of the Attorney General.

Summary of proposed Health and Safety Regulations: Spectator Events –Safety Rules:

- 504-36-030(2): Clarifies existing language, specifically defining the term "spectator event."
- 504-36-030(2)(b): Establishes seating rights and limitation for tickets events.
- 504-36-030(2)(c): Limits commercial use of audio and visual recordings.

- 504-36-030(2)(d): Addresses isle safety and requires that they remain clear at all times.
- 504-36-030(2)(e): Adds marijuana as a prohibited drug to possess or consume.
- 504-36-030(2)(e)(i): Provides for the confiscation of substances for disposal.
- 504-36-030(2)(e)(ii): Updates the name of the Washington State Liquor and Cannabis Board and requires compliance with restrictions and policies of the university with regard to alcohol use.
- 504-36-030(2)(f): Prohibits smoking per 504-38 WSU Pul) and 504-37 WSU (Vanc).
- 504-36-030(2)(g): Restricts possession of non-disposable beverage containers (only for water in the amount of 1 & ½ liter or less per patron), and clarifies language.
- 504-36-030(2)(h): Establishes maximum size (8in x 14in by 14in) for various types of allowable soft bags, and clarifies language.
- 504-36-030(2)(i)(i-x): Lists prohibited items such as flammables, noise making devices, items deemed dangerous, drones, laser pointers, extension devices (poles), flag poles, balls and “throwables,” umbrellas, pets (except as allowed by 504-36-020, or other law), and food and beverages not purchased within event site.
- 504-36-030(3): Clarifies and adds language reference denied entry or removal of persons and confiscation of contraband for violations under 504-36-030(2).
- 504-36-030(4): Clarifies definition of university officials and adds contracted security.

On April 6, 2017, a public hearing was conducted to solicit public comments regarding the proposed amendment of WAC 504-36 as required under the WAC rule-making procedures. No comments were received, oral or written, from the public regarding the proposed changes.

ATTACHMENT: Chapter Copy, illustrating specific changes is appended as **Attachment A**.

Attachment: A

AMENDATORY SECTION (Amending WSR 12-18-021, filed 8/27/12, effective 9/27/12)

WAC 504-36-030 Spectator events—Safety rules. (1) Protection of the safety and general welfare of students, faculty and staff, performers and officials, and members of the general public attending or participating in spectator events on (~~the~~) campus is a primary concern of Washington State University.

(2) The following rules of conduct (~~are applicable~~) apply to all (~~public~~) spectator events of Washington State University. "Spectator event," for the purposes of this section, means ticketed or non-ticketed athletic or entertainment events held on any portion of university property, including (~~specifically~~), but not limited to, Martin Stadium and the Beasley Coliseum (~~and to all public areas of the facility wherein the event is held~~) (hereafter the "event site").

(a) Behavior which in the judgment of designated university officials constitutes a disruption of the event or a safety hazard for other spectators or participants is prohibited.

(b) For ticketed events, an individual is entitled to occupy only the seat for which he or she has the proper ticket.

(c) Photographing or making audio or visual recordings of a spectator event for commercial purposes is not permitted without specific written permission from the WSU athletic department (for athletic events) or the performer and applicable designated university official (for entertainment events).

(d) Aisles, walkways, and stairs must be kept clear of hazards and obstacles at all times to ensure safe and easy passage for all persons.

(e) Possession and/or consumption of illegal drugs or marijuana is prohibited(~~+~~). Possession and/or consumption of alcoholic beverages is permitted subject to restrictions.

(i) Any illegal drugs, marijuana, or alcoholic beverages, except for such beverages provided in accordance with (~~(b)~~) (e)(ii) of this subsection, found (~~shall be~~) in the possession of a spectator or otherwise found on the event site may be confiscated and delivered to the custody of designated university officials (~~or their representatives upon request. In addition, violators of this section may be sub~~

~~ject to university disciplinary action (if applicable) and/or legal proceedings, and to removal from the event site)) for law enforcement purposes or for disposal, as appropriate.~~

(ii) Alcoholic beverages may be possessed, sold, served, and consumed at event sites only under a valid permit or license issued by the Washington state liquor (~~(control)~~) and cannabis board. Events at which alcoholic beverages are possessed, sold, served, and consumed must comply with the restrictions imposed by the Washington state liquor (~~(control)~~) and cannabis board and restrictions and policies imposed by the university, have restricted attendance, and be limited to specified room(s) or area(s). Possession, consumption, service, dispensation, or sale of alcohol is prohibited except to persons of legal age.

~~((c) Except as provided in (b) of this subsection, possession of glass or metal beverage containers, or devices used for carrying such beverage containers, is prohibited; however, this section shall not apply to personal canteens or thermos bottles one liter or less in size, containing beverages not in violation of this section, and provided further, that this section shall not apply to small soft sided articles used to carry such permitted containers, as more fully described in (d) of this subsection.))~~ (f) Smoking and other uses of tobacco and/or nicotine products are prohibited in all areas of the Pullman campus in accordance with chapter 504-38 WAC and all areas of the Vancouver campus in accordance with chapter 504-37 WAC.

(g) Each spectator is allowed to bring one empty nondisposable water bottle into the event site, provided that the capacity of the water bottle is no more than one and one-half liters. All other beverage containers and devices used for carrying beverage containers are prohibited. All such items (~~(shall be)~~) are subject to a visual inspection by designated university officials upon entry to the event site. ~~((Any containers or devices prohibited by this section shall be removed by the possessor or delivered to the custody of designated university officials or their representatives upon request. This section shall not apply to approved vendors.~~

~~(d) Knapsacks, duffel bags, backpacks, bags used to transport permitted beverage containers or other))~~ If designated university officials make the determination that a given container or device is prohibited, the possessor of the container or device must remove the

container or device from the event site premises or may surrender the container or device to such designated university officials for disposal.

(h) Each spectator is allowed to bring one soft sided bag(~~s shall be~~) into the event site, provided such bag is no larger than fourteen inches by eight inches by fourteen inches and, for seated events, is small enough to fit completely under (~~one seat, and shall be so kept at all times to maintain clear aisles, walkways and stairs~~) the spectator's seat, where such bags must be kept. All other bags and containers are prohibited. All such items are subject to a visual inspection by designated university officials upon entry into the event site. (~~No hard sided bags, suitcases, coolers or other similar items shall be permitted into the event site.~~

~~(e) Aisles, walkways and stairs shall be kept clear of hazards and obstacles (including but not limited to those items discussed in (c) and (d) of this subsection) at all times, to ensure safe and easy passage for persons attending the event, university and security officials, and others at the event site.~~

~~(f) Possession of any)) If designated university officials make the determination that a given bag is prohibited, the possessor of the bag must remove the bag from the event site premises or may surrender the bag to such designated university officials for disposal.~~

(i) The following items are prohibited in the event site:

(i) Fireworks, weapons, explosive devices, or artificial noise-making devices (such as airhorns) (~~is prohibited in the event site. Any such items shall be surrendered to designated university officials upon request. In addition, possession of such items may subject violators of this section to university disciplinary action (if applicable) and/or legal proceedings, and to removal from the event site.~~

~~(g) Smoking is prohibited in areas designated as "no smoking."~~

~~(h) An individual is entitled to occupy only the seat for which he or she has the proper ticket.~~

~~(i) Recording video of the event for commercial purposes is not permitted into the event site without written permission from the WSU athletic department.~~

~~(j) Umbrellas may not be opened or raised in seating areas of any event site, in order to ensure that all persons attending the event have as clear and unobstructed a view of the event as possible. Per-~~

~~sonal sized umbrellas may be brought into the event site and stored as described in (d) and (e) of this subsection))~~;

~~(ii) Items deemed dangerous or unacceptable by designated university officials;~~

~~(iii) Drones;~~

~~(iv) Laser pointers;~~

~~(v) Extension items used to hold cellular telephones or cameras in place (e.g., "selfie sticks");~~

~~(vi) Flag poles, or any items that act as an extension of an arm and have a flag or sign affixed;~~

~~(vii) Footballs, frisbees, sport balls, any kind of inflatable balls, or any other projectiles;~~

~~(viii) Umbrellas;~~

~~(ix) Pets or animals, except as allowed by WAC 504-36-020 or as otherwise required by state or federal law;~~

~~(x) Food and beverages, unless purchased from a vendor within the event site.~~

(3) Where there is reasonable cause to believe that a person~~((s are))~~ is violating, or ~~((are))~~ is attempting to~~((r))~~ violate, the requirements identified in ~~((WAC 504-36-030(2)))~~ subsection (2) of this section, such person ~~((or persons will be))~~ is denied license or privilege to enter or remain in or upon the event site premises, and designated university officials may take necessary action to deny entry or to remove such persons from the event site premises.

Prohibited items found in the possession of a spectator or otherwise found on the event site are to be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate. Violation of the requirements identified in subsection (2) of this section or failure to vacate the event site premises upon request of designated university officials may result in university disciplinary action (if applicable) and/or subsequent legal ~~((process under the laws of the state of))~~ proceedings under federal or state law and/or the Washington Administrative Code.

(4) For purposes of ~~((WAC 504-36-030 (1) and (2)))~~ this section, designated university officials include the president of the university, the vice president for ~~((business and))~~ finance and administration, and the following officials:

(a) Director of athletics or designee for athletic events;

(b) Director of the Beasley Coliseum or designee for Beasley Coliseum events;

(c) Director of the Compton Union Building or designee for events in the Compton Union Building;

(d) Director of the School of Music or designee for events sponsored by that school;

(e) The WSU executive director of public safety or designee;

(f) Officers of the WSU police department when (~~(+1)~~) (i) acting at the request of any of the above-named officials to enforce university regulations, or (~~(+2)~~) (ii) enforcing state laws or local ordinances;

(g) Contracted or hired security personnel and crowd management personnel when acting at the direction of the above-named officials or designees to enforce university regulations.

[Statutory Authority: RCW 28B.30.150. WSR 12-18-021, § 504-36-030, filed 8/27/12, effective 9/27/12. Statutory Authority: RCW 28B.30.125 and [28B.30.]150(1). WSR 97-20-019, § 504-36-030, filed 9/19/97, effective 9/19/97. Statutory Authority: RCW 28B.30.125 and 28B.30.150. WSR 80-07-015 (Order 80-2, Resolution 6/80-15), § 504-36-030, filed 6/11/80; Order 77-2, § 504-36-030, filed 8/3/77.]

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(a) Behavior which in the judgment of designated university officials constitutes a disruption of the event or a safety hazard for other spectators or participants is prohibited.

(b) For ticketed events, an individual is entitled to occupy only the seat for which he or she has the proper ticket.

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(d) Aisles, walkways, and stairs must be kept clear of hazards and obstacles at all times to ensure safe and easy passage for all persons.

(e) Possession and/or consumption of illegal drugs or marijuana is prohibited((+)). Possession and/or consumption of alcoholic beverages is permitted subject to restrictions.

(i) Any illegal drugs, marijuana, or alcoholic beverages, except for such beverages provided in accordance with (e)(ii) of this subsection, found in the possession of a spectator or otherwise found on the event site may be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate.

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