

## Article - Alcoholic Beverages

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§10–405.

- (a) The provisions of this section apply only in:
- (1) Allegany County;
  - (2) Anne Arundel County;
  - (3) Calvert County;
  - (4) Caroline County;
  - (5) Carroll County;
  - (6) Cecil County;
  - (7) Charles County;
  - (8) Dorchester County;
  - (9) Frederick County;
  - (10) Garrett County;
  - (11) Harford County;
  - (12) Kent County;
  - (13) Prince George’s County;
  - (14) Queen Anne’s County;
  - (15) St. Mary’s County;
  - (16) Except as provided in subsection (i) of this section, Washington County;
  - (17) Wicomico County; and
  - (18) Worcester County.

(b) (1) Except as provided in paragraph (2) of this subsection and in subsections (i) and (j) of this section, a license issued under the provisions of this article shall be revoked if, after hearing as provided in § 10–403 of this subtitle, any of the activities listed in this section are found to occur on any premises or location for which the license was issued.

(2) The license of a person may not be revoked under paragraph (1) of this subsection if:

(i) The person operates a theater, concert hall, art center, museum, or similar establishment that is primarily devoted to the arts or theatrical performances; and

(ii) The performances express matters of serious literary, artistic, scientific, or political value.

(c) With respect to attire and conduct, a person may not:

(1) Be employed or used in the sale or service of alcoholic beverages in or upon the licensed premises while the person is unclothed or in attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;

(2) Be employed or act as a hostess or act in a similar-type capacity to mingle with the patrons while the hostess or person acting in a similar-type capacity is unclothed or in attire, costume or clothing as described in paragraph (1) of this subsection;

(3) Encourage or permit any person on the licensed premises to caress or fondle the breasts, buttocks, anus or genitals of any other person; or

(4) Permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion of it.

(d) With respect to entertainment provided, a person may not:

(1) Permit any person to perform acts of or acts which simulate:

(i) The act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(ii) The caressing or fondling of the breast, buttocks, anus or genitals;  
or

(iii) The display of the pubic hair, anus, vulva or genitals;

(2) Permit any entertainer whose breasts or buttocks are exposed (subject to the restrictions of paragraph (1) of this subsection) to perform closer than six feet from the nearest patron; or

(3) Permit any person to use artificial devices or inanimate objects to depict, perform or simulate any activity prohibited by paragraph (1) of this subsection.

(e) A person may not exhibit or show any motion picture film, still picture, electronic reproduction or other visual reproduction depicting:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(2) Any person being caressed or fondled on the breast, buttocks, anus or genitals;

(3) Scenes where a person displays the vulva or anus or the genitals; or

(4) Scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(f) A person may not permit any person to remain in or upon the licensed premises who exposes to public view any portion of his genitals or anus.

(g) The provisions of this section do not permit any conduct or form of attire prohibited by any other provision of statute, ordinance, rule or regulation.

(h) In Cecil County, in addition to the penalty provided in subsection (b) of this section, if any of the activities listed in subsections (c), (d), (e), and (f) of this section are found to occur on the premises for which the license was issued, the holder of the license, or any employee, entertainer, or patron who performs any of the listed activities is guilty of a misdemeanor and shall be fined or imprisoned according to the penalty set forth in § 16-503 of this article.

(i) In Washington County, this section does not apply to:

(1) The Washington County Playhouse; or

(2) A theater holding a Class B beer, wine and liquor on-sale license under § 6-201(w) of this article.

(j) (1) This subsection applies only in Caroline County and Garrett County.

(2) After a finding that the activities enumerated in this section have occurred, the Board of License Commissioners may decide whether or not to revoke a license.

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