

Article - Alcoholic Beverages

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§12–203.

(a) In this section, “adult entertainment” means:

(1) With respect to attire and conduct:

(i) Employment or use of any person 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.

(ii) Employment or use of the services of any hostess or other person to mingle with the patrons while the hostess or other person is unclothed or in attire, costume, or clothing as described in subparagraph (i) of this paragraph.

(iii) Encouragement of or permitting any person on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of any other person.

(iv) Permitting 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.

(2) With respect to entertainment provided:

(i) Permitting any person to perform acts of or acts which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

2. The caressing or fondling of the breast, buttocks, anus, or genitals.

3. The displaying of the pubic hair, anus, vulva, or genitals.

(ii) Permitting any entertainer whose breasts and/or buttocks are exposed (subject to the restrictions of subparagraph (i) of this paragraph) to perform closer than 6 feet from the nearest patron.

(iii) Permitting any person to use artificial devices or inanimate objects to depict, perform, or simulate any activity prohibited by subparagraph (i) of this paragraph.

(3) Exhibiting or showing any motion picture film, still picture, electronic reproduction, or other visual reproduction depicting:

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

(ii) Any person being caressed or fondled on the breast, buttocks, anus, or genitals.

(iii) Scenes where a person displays the vulva, or anus, or the genitals.

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

(b) In Baltimore City, the Board of License Commissioners may not authorize nor may the holder of any class of alcoholic beverages license permit adult entertainment on the licensed premises or on adjacent property over which the licensee has ownership or control.

(c) Upon a finding by the Board of License Commissioners that a violation of this section has occurred, the Board shall impose a suspension or revocation of the license, fine, or both.

(d) This section does not apply to:

(1) Any licensee that offers adult entertainment as of May 31, 1993 or the transferee of the license for the same premises if the transferee continues to offer adult entertainment; and

(2) A licensee who operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances, when the performances presented express matters of serious literary, artistic, scientific, or political value.

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