

HOUSE BILL 959

A2

(9lr2913)

ENROLLED BILL

— *Economic Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Delegates Mosby, Conaway, Glenn, Haynes, Smith, and Wells**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – License Renewals and Adult**
3 **Entertainment**

4 FOR the purpose of authorizing the Board of License Commissioners for Baltimore City,
5 when determining whether a license should be renewed and, if so, whether any
6 conditions should be attached, to consider the performance of a license holder for a
7 certain period immediately before the date of the renewal application; prohibiting
8 the Board of License Commissioners for Baltimore City or a certain license holder in
9 the City from allowing an individual under a certain age to enter a certain
10 establishment of a license holder that offers certain adult entertainment, unless the
11 individual is an employee, an agent, or a contractor of the establishment *or is an*
12 *active duty member of the armed forces of the United States*; and generally relating
13 to alcoholic beverages licenses and adult entertainment in Baltimore City.

14 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Alcoholic Beverages
2 Section 12–102
3 Annotated Code of Maryland
4 (2016 Volume and 2018 Supplement)

5 BY adding to
6 Article – Alcoholic Beverages
7 Section 12–1804.1
8 Annotated Code of Maryland
9 (2016 Volume and 2018 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Alcoholic Beverages
12 Section 12–2102
13 Annotated Code of Maryland
14 (2016 Volume and 2018 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Alcoholic Beverages**

18 12–102.

19 This title applies only in Baltimore City.

20 **12–1804.1.**

21 **WHEN DETERMINING WHETHER A LICENSE SHOULD BE RENEWED AND, IF SO,**
22 **WHETHER ANY CONDITIONS SHOULD BE ATTACHED, THE BOARD MAY CONSIDER THE**
23 **PERFORMANCE OF THE LICENSE HOLDER FOR THE 4–YEAR PERIOD IMMEDIATELY**
24 **BEFORE THE DATE OF THE RENEWAL APPLICATION.**

25 12–2102.

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

27 (1) the employment or use of an individual in the sale or service of alcoholic
28 beverages in or on the licensed premises while the individual is unclothed or in attire,
29 costume, or clothing so as to expose to view any portion of the female breast below the top
30 of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

31 (2) the employment or use of the services of a hostess or other individual
32 to mingle with the patrons while the hostess or other individual is unclothed or in attire,
33 costume, or clothing described in item (1) of this subsection;

1 (3) the encouragement of or allowing an individual on the licensed
2 premises to caress or fondle the breasts, buttocks, anus, or genitals of any other individual;
3 or

4 (4) allowing an employee or other individual to wear or use a device or
5 covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic
6 hair;

7 (5) with respect to entertainment provided:

8 (i) allowing an individual to perform an act of or act that simulates:

9 1. sexual intercourse, masturbation, sodomy, bestiality, oral
10 copulation, flagellation, or a sexual act that is prohibited by law;

11 2. the caressing or fondling of the breast, buttocks, anus, or
12 genitals; or

13 3. the display of the pubic hair, anus, vulva, or genitals;

14 (ii) subject to item (i) of this item, allowing an entertainer whose
15 breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

16 (iii) allowing an individual to use an artificial device or inanimate
17 object to depict, perform, or simulate an activity prohibited under item (i) of this item; or

18 (6) show a motion picture, still picture, electronic reproduction, or other
19 visual reproduction depicting:

20 (i) an act or simulated act of sexual intercourse, masturbation,
21 sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

22 (ii) an individual being caressed or fondled on the breast, buttocks,
23 anus, or genitals;

24 (iii) a scene in which an individual displays the vulva, anus, or
25 genitals; or

26 (iv) a scene in which an artificial device or inanimate object is used
27 to depict, or a drawing is used to portray, a prohibited act described in this subsection.

28 (b) [This] EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION,
29 THIS section does not apply to a license holder that:

30 (1) offered adult entertainment as of May 31, 1993, or the transferee of the
31 license for the same premises if the transferee continues to offer adult entertainment; or

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

5 (c) The Board may not authorize and a license holder may not allow:

6 (1) adult entertainment on the licensed premises or on adjacent property
 7 over which the license holder has ownership or control; OR

8 (2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO ENTER AN
 9 ESTABLISHMENT OF A LICENSE HOLDER SPECIFIED UNDER SUBSECTION (B)(1) OF
 10 THIS SECTION, UNLESS THE INDIVIDUAL IS:

11 (I) AN EMPLOYEE, AN AGENT, OR A CONTRACTOR OF THE
 12 ESTABLISHMENT; OR

13 (II) AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE
 14 UNITED STATES.

15 (d) The Mayor and City Council may authorize the Board to enforce the laws and
 16 regulations of the City that govern adult entertainment business licenses.

17 (e) On finding that a violation of this section has occurred, the Board shall revoke
 18 or suspend the license or impose a fine or both.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 20 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.