

# HOUSE BILL 1389

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By: **Delegate Branch**

Introduced and read first time: February 25, 2019

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Adult Entertainment Establishments**

3 FOR the purpose of prohibiting the Board of License Commissioners for Baltimore City or  
4 a certain license holder in the City from allowing an individual under a certain age  
5 to enter an establishment of a license holder that offers adult entertainment, unless  
6 the individual is an employee, an agent, or a contractor of the establishment; and  
7 generally relating to establishments offering adult entertainment in Baltimore City.

8 BY repealing and reenacting, without amendments,

9 Article – Alcoholic Beverages

10 Section 12–102

11 Annotated Code of Maryland

12 (2016 Volume and 2018 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Alcoholic Beverages

15 Section 12–2102

16 Annotated Code of Maryland

17 (2016 Volume and 2018 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Alcoholic Beverages**

21 12–102.

22 This title applies only in Baltimore City.

23 12–2102.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

15 (5) with respect to entertainment provided:

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

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

19 2. the caressing or fondling of the breast, buttocks, anus, or  
20 genitals; or

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

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

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

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

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

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

32 (iii) a scene in which an individual displays the vulva, anus, or

1 genitals; or

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

4 (b) This section does not apply to a license holder that:

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

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

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

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

14 (2) **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO ENTER AN**  
15 **ESTABLISHMENT OF A LICENSE HOLDER SPECIFIED UNDER SUBSECTION (B)(1) OF**  
16 **THIS SECTION, UNLESS THE INDIVIDUAL IS AN EMPLOYEE, AN AGENT, OR A**  
17 **CONTRACTOR OF THE ESTABLISHMENT.**

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
23 1, 2019.