
By: Prince George's County Delegation

Introduced and read first time: February 2, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages**
3 **(Nudity and Sexual Displays)**
4 **PG 308-96**

5 FOR the purpose of including Prince George's County among those jurisdictions in which
6 nudity and sexual displays are prohibited in establishments licensed to sell alcoholic
7 beverages; authorizing the Prince George's County Board of License
8 Commissioners to decide whether to revoke a license, notwithstanding a certain
9 mandate; and generally relating to alcoholic beverages in Prince George's County.

10 BY repealing and reenacting, with amendments,
11 Article 2B - Alcoholic Beverages
12 Section 10-405
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1995 Supplement)

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

17 **Article 2B - Alcoholic Beverages**

18 10-405.

19 (a) The provisions of this section apply only in:

- 20 (1) Anne Arundel County;
- 21 (2) Calvert County;
- 22 (3) Caroline County;
- 23 (4) Carroll County;
- 24 (5) Cecil County;
- 25 (6) Charles County;
- 26 (7) Dorchester County;

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1 (8) Frederick County;

2 (9) Harford County;

3 (10) PRINCE GEORGE'S COUNTY;

4 (11) Queen Anne's County;

5 [(11)] (12) St. Mary's County;

6 [(12)] (13) Except as provided in subsection (i) of this section, Washington
7 County;

8 [(13)] (14) Wicomico County; and

9 [(14)] (15) Worcester County.

10 (b) Any license issued under the provisions of this article shall berevoked if, after
11 hearing as provided in § 10-403 of this subtitle, any of the activitieslisted in this section
12 are found to occur on any premises or location for which the license was issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) The Washington County Playhouse; or

25 (2) A theater holding a Class B beer, wine and liquor on-sale license under
26 § 6-201(w) of this article.

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

28 (2) After a finding that the activities enumerated in this section have
29 occurred, the Board of License Commissioners may decide whether or not to revoke a
30 license, notwithstanding the mandatory provisions of subsection (b) of this section.

31 (K) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

32 (2) AFTER A FINDING THAT THE ACTIVITIES ENUMERATED IN THIS
33 SECTION HAVE OCCURRED, THE BOARD OF LICENSE COMMISSIONERS MAY DECIDE
34 WHETHER OR NOT TO REVOKE A LICENSE, NOTWITHSTANDING THE MANDATORY
35 PROVISIONS OF SUBSECTION (B) OF THIS SECTION.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1996.