
By: Senator Collins

Introduced and read first time: January 25, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Facilities - Refusal of Services - Prohibition**

3 FOR the purpose of prohibiting the owners or operators of certain facilities that are open
4 to the public and serve or accommodate the public from refusing to serve an
5 individual on the basis of the individual's mode of personal transportation, hairstyle,
6 or certain style of dress; providing that this Act does not prohibit certain owners or
7 operators from refusing to serve an individual on the basis of the individual's
8 clothing under certain circumstances; making certain owners or operators who
9 violate this Act liable in a civil action to certain monetary penalties; defining a
10 certain term; and generally relating to the provision of services to individuals by
11 owners or operators of certain facilities.

12 BY adding to

13 Article - Business Regulation
14 Section 1-208
15 Annotated Code of Maryland
16 (1992 Volume and 1995 Supplement)

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

19 **Article - Business Regulation**

20 1-208.

21 (A) IN THIS SECTION "OWNER" MEANS THE OWNER OR OPERATOR OF A BAR,
22 HOTEL, MOTEL, RESTAURANT, OR TAVERN THAT IS OPEN TO THE PUBLIC AND
23 SERVES OR ACCOMMODATES THE PUBLIC.

24 (B) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT AN OWNER
25 FROM REFUSING TO SERVE AN INDIVIDUAL IF THE CLOTHING OF THE INDIVIDUAL:

26 (1) CONTAINS A PROFANITY OR OBSCENITY IN THE FORM OF A WORD
27 OR DEPICTION; OR

28 (2) FITS THE INDIVIDUAL IN A MANNER THAT IS INDECENT OR
29 CONSTITUTES A HEALTH HAZARD TO THE PREMISES OF THE OWNER.

2

1 (C) AN OWNER MAY NOT REFUSE TO SERVE AN INDIVIDUAL SOLELY ON THE
2 BASIS OF THE INDIVIDUAL'S:

3 (1) MODE OF PERSONAL TRANSPORTATION;

4 (2) HAIRSTYLE; OR

5 (3) STYLE OF DRESS BECAUSE OF:

6 (I) THE TYPE OF MATERIAL THE INDIVIDUAL USES; OR

7 (II) THE PRESENCE OF AN INSIGNIA OR MARKING ON THE
8 CLOTHING OF THE INDIVIDUAL THAT DESIGNATES AN AFFILIATION OF THE
9 INDIVIDUAL WITH A CORPORATION, THE PRODUCTS OF THE CORPORATION, A
10 SOCIAL GROUP OR CLUB, OR A SPORTS TEAM OR EVENT.

11 (D) AN OWNER WHO VIOLATES THIS SECTION IS LIABLE IN A CIVIL ACTION TO
12 A COMPLAINANT FOR:

13 (1) AN AMOUNT NOT EXCEEDING \$500, IF THE OWNER HAS NOT BEEN
14 ADJUDGED TO HAVE COMMITTED ANY PRIOR VIOLATION OF THIS SECTION;

15 (2) AN AMOUNT NOT EXCEEDING \$1,000, IF THE OWNER HAS BEEN
16 ADJUDGED TO HAVE COMMITTED A PRIOR VIOLATION OF THIS SECTION DURING
17 THE 5-YEAR PERIOD ENDING ON THE DATE OF THE FILING OF THE CIVIL ACTION;
18 AND

19 (3) AN AMOUNT NOT EXCEEDING \$2,500, IF THE OWNER HAS BEEN
20 ADJUDGED TO HAVE COMMITTED TWO OR MORE VIOLATIONS OF THIS SECTION
21 DURING THE 7-YEAR PERIOD ENDING ON THE DATE OF THE FILING OF THE CIVIL
22 ACTION.

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