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By: **Delegate Edwards**

Introduced and read first time: February 12, 1998

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County - Alcoholic Beverages - Nudity and Sexual Displays**

3 FOR the purpose of including Garrett County among those jurisdictions in which  
4 nudity and certain sexual acts are prohibited; and generally relating to alcoholic  
5 beverages in Garrett County.

6 BY repealing and reenacting, with amendments,  
7 Article 2B - Alcoholic Beverages  
8 Section 10-405  
9 Annotated Code of Maryland  
10 (1996 Replacement Volume and 1997 Supplement)

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

13 **Article 2B - Alcoholic Beverages**

14 10-405.

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

16 (1) Anne Arundel County;

17 (2) Calvert County;

18 (3) Caroline County;

19 (4) Carroll County;

20 (5) Cecil County;

21 (6) Charles County;

22 (7) Dorchester County;

23 (8) Frederick County;

- 1 (9) GARRETT COUNTY;
- 2 [(9)] (10) Harford County;
- 3 [(10)] (11) Kent County;
- 4 [(11)] (12) Queen Anne's County;
- 5 [(12)] (13) St. Mary's County;
- 6 [(13)] (14) Except as provided in subsection (i) of this section, Washington  
7 County;
- 8 [(14)] (15) Wicomico County; and
- 9 [(15)] (16) Worcester County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (h) In Cecil County, in addition to the penalty provided in subsection (b) of this  
23 section, if any of the activities listed in subsections (c), (d), (e), and (f) of this section  
24 are found to occur on the premises for which the license was issued, the holder of the  
25 license, or any employee, entertainer, or patron who performs any of the listed  
26 activities is guilty of a misdemeanor and shall be fined or imprisoned according to the  
27 penalty set forth in § 16-503 of this article.

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

29 (1) The Washington County Playhouse; or

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1998.