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By: **Delegate Campbell**

Introduced and read first time: February 12, 1999

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Board of License Commissioners - Adult Entertainment -**  
3 **Regulation**

4 FOR the purpose of repealing a provision that excepts in Baltimore City an alcoholic  
5 beverages licensee that offered adult entertainment as of a certain date from the  
6 prohibition against an alcoholic beverages licensee offering adult entertainment;  
7 and generally relating to adult entertainment business establishments in  
8 Baltimore City.

9 BY repealing and reenacting, with amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 12-203  
12 Annotated Code of Maryland  
13 (1998 Replacement Volume and 1998 Supplement)

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

16 **Article 2B - Alcoholic Beverages**

17 12-203.

18 (a) In this section "adult entertainment" means:

19 (1) With respect to attire and conduct:

20 (i) Employment or use of any person in the sale or service of  
21 alcoholic beverages in or upon the licensed premises while the person is unclothed or  
22 in attire, costume, or clothing so as to expose to view any portion of the female breast  
23 below the top of the areola or of any portion of the pubic hair, anus, cleft of the  
24 buttocks, vulva, or genitals.

25 (ii) Employment or use of the services of any hostess or other  
26 person to mingle with the patrons while the hostess or other person is unclothed or in  
27 attire, costume, or clothing as described in subparagraph (i) of this paragraph.

1 (iii) Encouragement of or permitting any person on the licensed  
2 premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any  
3 other person.

4 (iv) Permitting any employee or person to wear or use any device or  
5 covering exposed to view, which simulates the breast, genitals, anus, pubic hair, or  
6 any portion of it.

7 (2) With respect to entertainment provided:

8 (i) Permitting any person to perform acts of or acts which simulate:

9 1. Sexual intercourse, masturbation, sodomy, bestiality, oral  
10 copulation, flagellation, or any sexual acts which are prohibited by law.

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

13 3. The displaying of the pubic hair, anus, vulva, or genitals.

14 (ii) Permitting any entertainer whose breasts and/or buttocks are  
15 exposed (subject to the restrictions of subparagraph (i) of this paragraph) to perform  
16 closer than 6 feet from the nearest patron.

17 (iii) Permitting any person to use artificial devices or inanimate  
18 objects to depict, perform, or simulate any activity prohibited by subparagraph (i) of  
19 this paragraph.

20 (3) Exhibiting or showing any motion picture film, still picture,  
21 electronic reproduction, or other visual reproduction depicting:

22 (i) Acts or simulated acts of sexual intercourse, masturbation,  
23 sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are  
24 prohibited by law.

25 (ii) Any person being touched, caressed, or fondled on the breast,  
26 buttocks, anus, or genitals.

27 (iii) Scenes where a person displays the vulva, or anus, or the  
28 genitals.

29 (iv) Scenes where artificial devices or inanimate objects are  
30 employed to depict, or drawings are employed to portray, any of the prohibited  
31 activities described above.

32 (b) In Baltimore City, the Board of License Commissioners may not authorize  
33 nor may the holder of any class of alcoholic beverages license permit adult  
34 entertainment on the licensed premises or on adjacent property over which the  
35 licensee has ownership or control.

1 (c) Upon a finding by the Board of License Commissioners that a violation of  
2 this section has occurred, the Board shall impose a suspension or revocation of the  
3 license, fine, or both.

4 [(d) This section does not apply to any licensee that offers adult entertainment  
5 as of May 31, 1993 or the transferee of the license for the same premises if the  
6 transferee continues to offer adult entertainment.]

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 June 1, 1999.