

SENATE BILL 453
EMERGENCY BILL

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1999 Regular Session
9r2069

By: **Senator Della**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Adult Entertainment - Prohibition**

3 FOR the purpose of repealing a provision that excepts in Baltimore City an alcoholic
4 beverages licensee who offered adult entertainment as of a certain date from the
5 prohibition against an alcoholic beverages licensee offering adult entertainment;
6 making certain prohibitions against adult entertainment apply to bottle clubs;
7 making this Act an emergency measure; and generally relating to adult
8 entertainment in Baltimore City.

9 BY repealing and reenacting, with amendments,
10 Article 2B - Alcoholic Beverages
11 Section 12-203 and 20-101
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 20-101.

8 (a) (1) In this section, "bottle club" means any establishment that serves,
9 gives, or allows alcoholic beverages to be consumed by patrons from supplies that the
10 patrons previously purchased or reserved.

11 (2) "Bottle club" does not include any establishment if a license for the
12 premises had been issued under the provisions of this article.

13 (b) This section applies only in Baltimore City.

14 (c) A bottle club may not give, serve, dispense, keep, or allow to be consumed
15 on its premises, or on premises under its control or possession, any alcoholic
16 beverages, setups, or other component parts or mixed alcoholic drinks after legal
17 closing hours for establishments under § 8-203(d) of this article.

18 (d) (1) Any person who owns or operates a bottle club shall register the
19 establishment with the Baltimore City Liquor Control Board.

20 (2) The registration shall include:

21 (i) The name of the establishment; and

22 (ii) The address where the establishment is doing business.

23 (e) THE PROHIBITIONS AGAINST ADULT ENTERTAINMENT UNDER § 12-203 OF
24 THIS ARTICLE AND THE PENALTIES FOR VIOLATION OF THOSE PROHIBITIONS APPLY
25 TO BOTTLE CLUBS.

26 (F) A violation of this section is a misdemeanor, and upon conviction, the court
27 shall impose a fine of up to \$10,000 or imprisonment for up to 2 years, or both.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
29 emergency measure, is necessary for the immediate preservation of the public health
30 and safety, has been passed by a ye and nay vote supported by three-fifths of all the
31 members elected to each of the two Houses of the General Assembly, and shall take
32 effect from the date it is enacted.