
By: **Allegany County Delegation**

Rules suspended

Introduced and read first time: March 22, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of including Allegany County among those jurisdictions in which
4 certain sexual acts and certain attire, conduct, and visual reproductions
5 featuring nudity or exposure of certain body parts are prohibited at premises or
6 locations for which alcoholic beverages licenses are issued; making this Act an
7 emergency measure; and generally relating to alcoholic beverages licenses in
8 Allegany County.

9 BY repealing and reenacting, with amendments,
10 Article 2B - Alcoholic Beverages
11 Section 10-405
12 Annotated Code of Maryland
13 (2001 Replacement Volume)

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 10-405.

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

19 (1) ALLEGANY COUNTY;

20 (2) Anne Arundel County;

21 [(2)] (3) Calvert County;

22 [(3)] (4) Caroline County;

23 [(4)] (5) Carroll County;

24 [(5)] (6) Cecil County;

- 1 [(6)] (7) Charles County;
- 2 [(7)] (8) Dorchester County;
- 3 [(8)] (9) Frederick County;
- 4 [(9)] (10) Garrett County;
- 5 [(10)] (11) Harford County;
- 6 [(11)] (12) Kent County;
- 7 [(12)] (13) Queen Anne's County;
- 8 [(13)] (14) St. Mary's County;
- 9 [(14)] (15) Except as provided in subsection (i) of this section, Washington
10 County;
- 11 [(15)] (16) Wicomico County; and
- 12 [(16)] (17) Worcester County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (1) The Washington County Playhouse; or

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

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

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

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