
By: **Delegates Owings and Cane**

Introduced and read first time: February 6, 2003

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

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

12 BY adding to

13 Article - Business Regulation

14 Section 1-210

15 Annotated Code of Maryland

16 (1998 Replacement Volume and 2002 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 1-210.

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 OR
27 DEPICTION; OR

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

3 (C) THE PROVISIONS OF THIS SECTION, PROHIBITING DISCRIMINATION ON
4 THE PREMISES OF AN OWNER AS TO PERSONAL APPEARANCE, MAY NOT BE
5 CONSTRUED TO APPLY TO A REQUIREMENT OF CLEANLINESS, UNIFORMS, OR
6 PRESCRIBED ATTIRE WHEN UNIFORMLY APPLIED FOR ADMITTANCE TO A PLACE OF
7 PUBLIC ACCOMMODATION OR TO A CLASS OF EMPLOYEES FOR A CUSTOMARY OR
8 REASONABLE BUSINESS PURPOSE.

9 (D) AN OWNER MAY NOT REFUSE TO SERVE AN INDIVIDUAL SOLELY ON THE
10 BASIS OF THE INDIVIDUAL'S:

11 (1) MODE OF PERSONAL TRANSPORTATION;

12 (2) FACIAL HAIR OR HAIRSTYLE; OR

13 (3) MANNER OR STYLE OF DRESS BECAUSE OF:

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

15 (II) THE PRESENCE OF AN INSIGNIA OR MARKING ON THE
16 CLOTHING OF THE INDIVIDUAL THAT DESIGNATES AN AFFILIATION OF THE
17 INDIVIDUAL WITH A CORPORATION, THE PRODUCTS OF THE CORPORATION, A SOCIAL
18 GROUP OR CLUB, OR A SPORTS TEAM OR EVENT.

19 (E) AN OWNER WHO VIOLATES THIS SECTION IS LIABLE IN A CIVIL ACTION
20 FOR:

21 (1) AN AMOUNT NOT EXCEEDING \$100, IF THE OWNER HAS NOT BEEN
22 ADJUDGED TO HAVE COMMITTED ANY PRIOR VIOLATION OF THIS SECTION;

23 (2) AN AMOUNT NOT EXCEEDING \$1,000, IF THE OWNER HAS BEEN
24 ADJUDGED TO HAVE COMMITTED A PRIOR VIOLATION OF THIS SECTION DURING THE
25 5-YEAR PERIOD ENDING ON THE DATE OF THE FILING OF THE CIVIL ACTION; AND

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 June 1, 2003.