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By: **Prince George's County Delegation**  
Introduced and read first time: February 4, 2004  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Restrictions on Adult or Obscene Entertainment**  
3 **PG 309-04**

4 FOR the purpose of requiring the Board of License Commissioners to revoke an  
5 alcoholic beverages license in Prince George's County if, after a certain hearing,  
6 certain nudity and sexual display restrictions are violated; including Prince  
7 George's County in the counties in which it is a misdemeanor under certain  
8 circumstances for a person to participate in a certain manner in certain obscene  
9 live performances or for certain persons associated with certain premises to  
10 allow or assent to the use of the premises for certain live obscene performances;  
11 and generally relating to restrictions on adult or obscene entertainment in  
12 Prince George's County.

13 BY repealing and reenacting, with amendments,  
14 Article 2B - Alcoholic Beverages  
15 Section 10-405(a)  
16 Annotated Code of Maryland  
17 (2001 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article 2B - Alcoholic Beverages  
20 Section 10-405(b) through (g)  
21 Annotated Code of Maryland  
22 (2001 Replacement Volume and 2003 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Criminal Law  
25 Section 11-204  
26 Annotated Code of Maryland  
27 (2002 Volume and 2003 Supplement)

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

## Article 2B - Alcoholic Beverages

1  
2 10-405.

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

4 (1) Allegany County;

5 (2) Anne Arundel County;

6 (3) Calvert County;

7 (4) Caroline County;

8 (5) Carroll County;

9 (6) Cecil County;

10 (7) Charles County;

11 (8) Dorchester County;

12 (9) Frederick County;

13 (10) Garrett County;

14 (11) Harford County;

15 (12) Kent County;

16 (13) PRINCE GEORGE'S COUNTY;

17 (14) Queen Anne's County;

18 [(14)] (15) St. Mary's County;

19 [(15)] (16) Except as provided in subsection (i) of this section, Washington  
20 County;

21 [(16)] (17) Wicomico County; and

22 [(17)] (18) Worcester County.

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

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

28 (1) Be employed or used in the sale or service of alcoholic beverages in or  
29 upon the licensed premises while the person is unclothed or in attire, costume or

1 clothing so as to expose to view any portion of the female breast below the top of the  
2 areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **Article - Criminal Law**

6 11-204.

7 (a) This section applies only in Allegany, Anne Arundel, Charles, Howard,  
8 PRINCE GEORGE'S, Somerset, Wicomico, and Worcester counties.

9 (b) (1) A person may not prepare, give, direct, present, perform or  
10 participate in an obscene performance, exhibition, drama, play, show, dancing  
11 exhibition, tableau, or other entertainment in which individuals perform or  
12 participate live in an obscene manner in the presence of individuals who have paid  
13 any kind of consideration to observe the exhibition or performance.

14 (2) An owner, lessee, or manager of a building, garden, place, room,  
15 structure, or theater may not knowingly allow or assent to the use of the premises for  
16 the types of exhibitions prohibited by paragraph (1) of this subsection.

17 (c) A person who violates this section is guilty of a misdemeanor and on  
18 conviction is subject to:

19 (1) for a first violation, imprisonment not exceeding 1 year or a fine not  
20 exceeding \$1,000 or both; and

21 (2) for each subsequent violation, imprisonment not exceeding 3 years or  
22 a fine not exceeding \$5,000 or both.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect October 1, 2004.