

ENROLLED BILL

-- *Economic Matters/Education, Health, and Environmental Affairs* --

Introduced by **Prince George's County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages Licenses - Nudity and Sexual**
3 **Displays**
4 **PG 300-05**

5 FOR the purpose of adding Prince George's County to those jurisdictions that prohibit
6 nudity and sexual displays in establishments licensed to sell alcoholic
7 beverages; requiring the Prince George's County Board of License
8 Commissioners to revoke an alcoholic beverages license if, after a certain
9 hearing, any of certain nudity and sexual display restrictions are found to have
10 been violated in the licensed establishment; requiring the Board to grant a
11 certain exemption to certain persons under certain conditions; making a stylistic
12 change; and generally relating to nudity and sexual displays in establishments
13 licensed to sell alcoholic beverages in Prince George's County.

14 BY repealing and reenacting, with amendments,
15 Article 2B - Alcoholic Beverages

1 Section 10-405
2 Annotated Code of Maryland
3 (2001 Replacement Volume and 2004 Supplement)

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

6 **Article 2B - Alcoholic Beverages**

7 10-405.

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

9 (1) Allegany County;

10 (2) Anne Arundel County;

11 (3) Calvert County;

12 (4) Caroline County;

13 (5) Carroll County;

14 (6) Cecil County;

15 (7) Charles County;

16 (8) Dorchester County;

17 (9) Frederick County;

18 (10) Garrett County;

19 (11) Harford County;

20 (12) Kent County;

21 (13) PRINCE GEORGE'S COUNTY;

22 [(13)] (14) Queen Anne's County;

23 [(14)] (15) St. Mary's County;

24 [(15)] (16) Except as provided in subsection (i) of this section,
25 Washington County;

26 [(16)] (17) Wicomico County; and

27 [(17)] (18) Worcester County.

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

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

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

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

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

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

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

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

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

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

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

26 (2) Permit any entertainer whose breasts [and/or] OR buttocks are
27 exposed (subject to the restrictions of paragraph (1) of this subsection) to perform
28 closer than six feet from the nearest patron; or

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

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

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

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

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

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

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

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

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

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

18 (1) The Washington County Playhouse; or

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Prince George's
26 County Board of License Commissioners of Prince George's County shall exempt from
27 this Act ~~any~~ a current alcoholic beverages license holder that currently conducts an
28 activity that is made unlawful by this Act. ~~The exemption under this section does not~~
29 ~~apply to current license holders that did not receive approval from the Prince~~
30 ~~George's County Board of License Commissioners to conduct activities made unlawful~~
31 ~~by this Act~~ Act only if the license holder:

32 (a) received approval from the Board to conduct the activity on or before
33 December 31, 1970 August 15, 1981; and

34 (b) has owned the licensed premises continuously since January 1, 1971
35 September 1, 1981.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.