

SENATE BILL 587

A2

2lr1744
CF HB 222

By: **Senator Edwards**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Alcoholic Beverages – Nudity and Sexual Displays –**
3 **License Revocation**

4 FOR the purpose of authorizing the Board of License Commissioners in Garrett
5 County to determine whether to revoke the alcoholic beverages license of a
6 licensee if any of certain activities regarding nudity or sexual displays are found
7 to have occurred on the premises or location for which the license was issued;
8 making a stylistic change; and generally relating to alcoholic beverages licenses
9 in Garrett County.

10 BY repealing and reenacting, with amendments,
11 Article 2B – Alcoholic Beverages
12 Section 10–405
13 Annotated Code of Maryland
14 (2011 Replacement Volume)

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

17 **Article 2B – Alcoholic Beverages**

18 10–405.

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

20 (1) Allegany County;

21 (2) Anne Arundel County;

22 (3) Calvert County;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

17 (b) **[Any] EXCEPT AS PROVIDED IN SUBSECTIONS (I) AND (J) OF THIS**
18 **SECTION, ANY** license issued under the provisions of this article shall be revoked if,
19 after A hearing as provided in § 10–403 of this subtitle, any of the activities listed in
20 this section are found to occur on any premises or location for which the license was
21 issued.

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

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

27 (2) Be employed or act as a hostess or act in a similar-type capacity to
28 mingle with the patrons while the hostess or person acting in a similar-type capacity

1 is unclothed or in attire, costume or clothing as described in paragraph (1) of this
2 subsection;

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

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

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

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

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

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

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

15 (2) Permit any entertainer whose breasts or buttocks are exposed
16 (subject to the restrictions of paragraph (1) of this subsection) to perform closer than
17 six feet from the nearest patron; or

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

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

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

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

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

29 (4) Scenes where artificial devices or inanimate objects are employed
30 to depict, or drawings are employed to portray, any of the prohibited activities
31 described 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 (h) In Cecil County, in addition to the penalty provided in subsection (b) of
6 this section, if any of the activities listed in subsections (c), (d), (e), and (f) of this
7 section are found to occur on the premises for which the license was issued, the holder
8 of the license, or any employee, entertainer, or patron who performs any of the listed
9 activities is guilty of a misdemeanor and shall be fined or imprisoned according to the
10 penalty set forth in § 16-503 of this article.

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

12 (1) The Washington County Playhouse; or

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

15 (j) (1) This subsection applies only in Caroline County **AND GARRETT**
16 **COUNTY**.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2012.