

# HOUSE BILL 959

A2

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By: **Delegates Mosby, Conaway, Glenn, Haynes, Smith, and Wells**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – License Renewals and Adult**  
3 **Entertainment**

4 FOR the purpose of authorizing the Board of License Commissioners for Baltimore City,  
5 when determining whether a license should be renewed and, if so, whether any  
6 conditions should be attached, to consider the performance of a license holder for a  
7 certain period immediately before the date of the renewal application; prohibiting  
8 the Board of License Commissioners for Baltimore City or a certain license holder in  
9 the City from allowing an individual under a certain age to enter a certain  
10 establishment of a license holder that offers certain adult entertainment, unless the  
11 individual is an employee, an agent, or a contractor of the establishment; and  
12 generally relating to alcoholic beverages licenses and adult entertainment in  
13 Baltimore City.

14 BY repealing and reenacting, without amendments,  
15 Article – Alcoholic Beverages  
16 Section 12–102  
17 Annotated Code of Maryland  
18 (2016 Volume and 2018 Supplement)

19 BY adding to  
20 Article – Alcoholic Beverages  
21 Section 12–1804.1  
22 Annotated Code of Maryland  
23 (2016 Volume and 2018 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,  
2 Article – Alcoholic Beverages  
3 Section 12–2102  
4 Annotated Code of Maryland  
5 (2016 Volume and 2018 Supplement)

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

8 **Article – Alcoholic Beverages**

9 12–102.

10 This title applies only in Baltimore City.

11 **12–1804.1.**

12 **WHEN DETERMINING WHETHER A LICENSE SHOULD BE RENEWED AND, IF SO,**  
13 **WHETHER ANY CONDITIONS SHOULD BE ATTACHED, THE BOARD MAY CONSIDER THE**  
14 **PERFORMANCE OF THE LICENSE HOLDER FOR THE 4–YEAR PERIOD IMMEDIATELY**  
15 **BEFORE THE DATE OF THE RENEWAL APPLICATION.**

16 12–2102.

17 (a) In this section, “adult entertainment” means:

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

22 (2) the employment or use of the services of a hostess or other individual  
23 to mingle with the patrons while the hostess or other individual is unclothed or in attire,  
24 costume, or clothing described in item (1) of this subsection;

25 (3) the encouragement of or allowing an individual on the licensed  
26 premises to caress or fondle the breasts, buttocks, anus, or genitals of any other individual;  
27 or

28 (4) allowing an employee or other individual to wear or use a device or  
29 covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic  
30 hair;

31 (5) with respect to entertainment provided:

32 (i) allowing an individual to perform an act of or act that simulates:

1                               1.     sexual intercourse, masturbation, sodomy, bestiality, oral  
2 copulation, flagellation, or a sexual act that is prohibited by law;

3                               2.     the caressing or fondling of the breast, buttocks, anus, or  
4 genitals; or

5                               3.     the display of the pubic hair, anus, vulva, or genitals;

6                               (ii)   subject to item (i) of this item, allowing an entertainer whose  
7 breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

8                               (iii)  allowing an individual to use an artificial device or inanimate  
9 object to depict, perform, or simulate an activity prohibited under item (i) of this item; or

10                              (6)   show a motion picture, still picture, electronic reproduction, or other  
11 visual reproduction depicting:

12                              (i)    an act or simulated act of sexual intercourse, masturbation,  
13 sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;

14                              (ii)   an individual being caressed or fondled on the breast, buttocks,  
15 anus, or genitals;

16                              (iii)  a scene in which an individual displays the vulva, anus, or  
17 genitals; or

18                              (iv)   a scene in which an artificial device or inanimate object is used  
19 to depict, or a drawing is used to portray, a prohibited act described in this subsection.

20                              (b)    **[This] EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION,**  
21 **THIS section does not apply to a license holder that:**

22                              (1)    offered adult entertainment as of May 31, 1993, or the transferee of the  
23 license for the same premises if the transferee continues to offer adult entertainment; or

24                              (2)    operates a theater, a concert hall, an art center, a museum, or a similar  
25 establishment that is primarily devoted to the arts or theatrical performances, when the  
26 performances presented express matters of serious literary, artistic, scientific, or political  
27 value.

28                              (c)    The Board may not authorize and a license holder may not allow:

29                              (1)    adult entertainment on the licensed premises or on adjacent property  
30 over which the license holder has ownership or control; OR

1           **(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO ENTER AN**  
 2 **ESTABLISHMENT OF A LICENSE HOLDER SPECIFIED UNDER SUBSECTION (B)(1) OF**  
 3 **THIS SECTION, UNLESS THE INDIVIDUAL IS AN EMPLOYEE, AN AGENT, OR A**  
 4 **CONTRACTOR OF THE ESTABLISHMENT.**

5           (d) The Mayor and City Council may authorize the Board to enforce the laws and  
 6 regulations of the City that govern adult entertainment business licenses.

7           (e) On finding that a violation of this section has occurred, the Board shall revoke  
 8 or suspend the license or impose a fine or both.

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 10 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.