

SENATE BILL 405

A2

EMERGENCY BILL

0lr1526
CF 0lr3175

By: **Senator Reilly**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Entertainment Facility License –**
3 **Nudity and Sexual Displays**

4 FOR the purpose of prohibiting the Anne Arundel County Board of License Commissioners
5 from revoking an alcoholic beverages license for an entertainment facility for a
6 violation of certain nudity and sexual display restrictions if certain conditions are
7 met; making this Act an emergency measure; and generally relating to alcoholic
8 beverages licenses for entertainment facilities in Anne Arundel County.

9 BY repealing and reenacting, without amendments,
10 Article – Alcoholic Beverages
11 Section 4–605(a) and 11–102
12 Annotated Code of Maryland
13 (2016 Volume and 2019 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Alcoholic Beverages
16 Section 11–2101
17 Annotated Code of Maryland
18 (2016 Volume and 2019 Supplement)

19 BY adding to
20 Article – Alcoholic Beverages
21 Section 11–2104
22 Annotated Code of Maryland
23 (2016 Volume and 2019 Supplement)

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

26 **Article – Alcoholic Beverages**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



4–605.

(a) (1) Except as provided in paragraph (2) of this subsection, a local licensing board shall revoke a license if, after a hearing under § 4–603(b) of this subtitle, an activity listed in this section is found to have occurred on the licensed premises.

(2) The license of a person may not be revoked under paragraph (1) of this subsection if:

(i) the person operates a theater, a concert hall, an art center, a museum, or a similar establishment that is primarily devoted to the arts or theatrical performances; and

(ii) the performances express matters of serious literary, artistic, scientific, or political value.

11–102.

This title applies only in Anne Arundel County.

11–2101.

(a) The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of Local Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4–602 (“Power of local licensing board”);

(2) § 4–604 (“Grounds for revocation or suspension”); AND

(3) [§ 4–605 (“Nudity and sexual displays”); and

(4)] § 4–606 (“Effects of revocation”).

(b) [Section] **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) § 4–603 (“Revocation and suspension procedures”) [of Division I of this article applies in the county], subject to §§ 11–2102 and 11–2103 of this subtitle; AND

(2) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”), SUBJECT TO § 11–2104 OF THIS SUBTITLE.

11–2104.

1 **AN ENTERTAINMENT FACILITY LICENSE ISSUED UNDER § 11-1005 OF THIS**
2 **TITLE MAY NOT BE REVOKED BY THE BOARD UNDER § 4-605 OF THIS ARTICLE IF:**

3 **(1) THE HOLDER OF THE LICENSE OPERATES A PERFORMANCE AREA**
4 **AT THE FACILITY THAT IS PRIMARILY DEVOTED TO THE ARTS OR THEATRICAL**
5 **PERFORMANCES; AND**

6 **(2) THE PERFORMANCES EXPRESS MATTERS OF SERIOUS LITERARY,**
7 **ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety, has
10 been passed by a yea and nay vote supported by three-fifths of all the members elected to
11 each of the two Houses of the General Assembly, and shall take effect from the date it is
12 enacted.