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HOUSE BILL NO. 1825

Offered January 9, 2019

Prefiled January 1, 2019

A BILL to amend and reenact § 4.1-226 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-379.1, relating to employment of persons 18 years of age or older but under 21 years of age in sexually oriented business; penalty.

Patron—Cole

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-226 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-379.1 as follows:

§ 4.1-226. Grounds for which Board shall suspend or revoke licenses.

The Board shall suspend or revoke any license, other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it finds that:

1. A licensee has violated or permitted the violation of § 18.2-331, relating to the illegal possession of a gambling device, upon the premises for which the Board has granted a license for the sale of alcoholic beverages to the public.

2. In the licensed establishment of a mixed beverage licensee (i) there ~~(i)~~ is entertainment of an obscene nature, entertainment commonly called stripteasing, topless entertaining, or entertainment that has employees who are not clad both above and below the waist, *or such mixed beverage licensee has committed or permitted two or more violations of § 18.2-379.1*, or (ii) there are employees who solicit the sale of alcoholic beverages. The provisions of clause (i) shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

3. A licensee has defrauded or attempted to defraud the Board, or any federal, state, or local government or governmental agency or authority, by making or filing any report, document, or tax return required by statute or regulation that is fraudulent or contains a willful or knowing false representation of a material fact or has willfully deceived or attempted to deceive the Board, or any federal, state, or local government or governmental agency or authority, by making or maintaining business records required by statute or regulation that are false or fraudulent.

§ 18.2-379.1. Employment of persons 18 years of age or older but under 21 years of age in a sexually oriented business; penalty.

A. For purposes of this section:

"Sexually oriented business" means any business that provides entertainment commonly called stripteasing or topless entertaining, that provides entertainment that has employees who are not clad above and below the waist, or that produces sexually explicit visual material.

B. No person 18 years of age or older but under 21 years of age shall be employed or perform in a sexually oriented business.

C. A person who employs a person in violation of this section, or who permits or suffers a person to be employed or to work in violation of this section, is guilty of a Class 4 misdemeanor.

D. A person who is an employee or performer in violation of this section, or who works in violation of this section, is guilty of a Class 4 misdemeanor.

2. That the provisions of this act shall become effective on July 1, 2022.

INTRODUCED

HB1825