

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

Article 27 - Crimes and Punishments

419.

(a) (1) A person may not willfully or knowingly engage in the business of selling, showing, advertising for sale, or distributing to any person under the age of 18 years any still picture, photograph, book, pocket book, pamphlet, magazine, video disc, [or] video tape, OR RECORDED TELEPHONE MESSAGES the cover or content of which is principally made up of descriptions or depictions of illicit sex, or which consists of pictures of nude or partially denuded figures posed or presented in a manner which an average person applying contemporary community standards would find, taken as a whole, appeals to prurient interest and lacks serious literary, artistic, political or scientific value.

(2) THE PROVISION OF SERVICES OR FACILITIES BY A TELEPHONE COMPANY PURSUANT TO TARIFFS APPROVED BY THE PUBLIC SERVICE COMMISSION IS NOT A VIOLATION OF THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION THAT RELATE TO RECORDED TELEPHONE MESSAGES.

[(2)] (3) An owner, operator, franchisee, manager, or any employee with managerial responsibility of a newsstand or any other place of business may not openly and knowingly display at the newsstand or other place of business, if it is frequented by persons under the age of 18 years, any of the items whose sale, showing, or advertising is prohibited by paragraph (1) of this subsection.

[(3)] (4) Violation of this section is a misdemeanor.

(b) In this section the following words have the meanings indicated:

(1) "Description or depictions of illicit sex" shall mean:

(i) Human genitals in a state of sexual stimulation or arousal;

(ii) Acts of human masturbation, sexual intercourse, or sodomy; or

(iii) Fondling or other erotic touching of human genitals.

(2) "Distributing" includes renting.

(3) "Nude or partially denuded figures" means: