

3VAC5-50-140. ~~Lewd or disorderly conduct~~ Prohibited conduct on licensed premises.

A. The following lewd and disorderly conduct is prohibited upon licensed premises that regularly feature live sexually oriented conduct where persons, whether employees, independent contractors, lessees or otherwise, regularly display any portion of the female breast below the top of the areola:

~~While not limited thereto, the board shall consider the following conduct upon any licensed premises to constitute lewd or disorderly conduct:~~

1. The real or simulated display of any portion of the genitals, pubic hair or buttocks, or any portion of the breast below the top of the areola, by any employee, or by any other person; except that when entertainers are on a platform or stage at least eighteen inches high and reasonably separated at least three feet from ~~the~~ any patrons of the establishment, they shall be in conformity with subdivision 2;

2. The real or simulated display of any portion of the genitals, pubic hair or anus by an entertainer, or any portion of the areola of the breast of a female entertainer. When not on a platform or stage at least eighteen inches high and reasonably separate at least three feet from ~~the~~ any patrons of the establishment, entertainers shall be in conformity with subdivision 1;

3. Any real or simulated act of sexual intercourse, sodomy, masturbation, flagellation or any other sexual act prohibited by law, by any person, whether an entertainer or not; or

4. The fondling or caressing by any person, whether an entertainer or not, of his own or of another's breast, genitals or buttocks.

B. The provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances, expressing a matter of serious literary, artistic, scientific or political value.