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Utah threatens liquor permit of theater showing 'Deadpool'

By Michelle L. Price, Associated Press | Posted - Apr 18th, 2016 @ 4:46pm

SALT LAKE CITY — Utah alcohol bosses have filed a complaint and will consider revoking the liquor license of a movie theater it says violated a state obscenity law by serving drinks while screening "Deadpool," which features simulated sex scenes.

The Salt Lake theater said the law is unconstitutional and has threatened to challenge it in court if the complaint isn't dropped.

Rocky Anderson, an attorney for Brewvies, said Monday the law violates free-speech rights and is so broadly written that even a movie featuring Michelangelo's nude "David" sculpture would be banned if alcohol was served at a screening.

Utah's Department of Alcoholic Beverage Control filed the complaint against Brewvies, 677 S. 200 West, after three undercover state officers attended a screening of "Deadpool" in February.

Investigators cited a state obscenity law that is generally used to regulate alcohol and nudity at strip clubs, which are required to have dancers wearing G-strings and pasties if the club serves liquor.

The law also bans the showing of any film with sex acts or simulated sex acts, full-frontal nudity or the "caressing" of breasts or buttocks. It only applies to businesses with liquor licenses, so most Utah movie theaters, which are alcohol free, are not cited under the law.

Brewvies, which has been open since 1997, only allows people 21 and older to attend movies and serves food and liquor to customers.

The DABC scheduled a Wednesday meeting to discuss or possibly settle the complaint before further disciplinary action, but Anderson told KSL the meeting was postponed indefinitely.

The agency's Vickie Ashby had no comment Monday and said she could not speak to the next steps in the disciplinary process. She directed questions to the Utah Attorney General's Office and State Bureau of Investigation, which ran the undercover investigation.

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Dan Burton, a spokesman for the attorney general's office, declined to comment. The State Bureau of Investigation looked into the matter after the DABC sent it a complaint, according to Marissa Villasenor, a spokeswoman for Utah's Department of Public Safety, which oversees the investigative bureau.

Anderson said he'll challenge the law in court unless the complaint is dropped and Utah stops enforcing the obscenity law. Anderson said his client should also be repaid for a \$1,627 fine the theater paid five years ago when it was cited under the same law for showing "The Hangover Part II."

Anderson, who provided a copy of the investigative report to The Associated Press, said the fact that the film can be shown at other theaters nearby makes it clear Utah officials are using liquor laws to limit First Amendment rights of free speech.

Anderson said Utah's law is similar to an Idaho measure that lawmakers repealed this year after a theater sued after its liquor license was threatened for showing "Fifty Shades of Grey" while serving alcohol.