

ACT No. 529

HOUSE BILL NO. 1083 (Substitute for House Bill No. 41 by Representative Newell)

BY REPRESENTATIVES NEWELL, BOYD, BRASS, CARPENTER, WILFORD CARTER, DUPLESSIS, FISHER, FREEMAN, GAINES, GREEN, HUGHES, IVEY, JENKINS, JORDAN, LAFLEUR, LANDRY, LARVADAIN, LYONS, PIERRE, SELDERS, AND WILLARD AND SENATORS BARROW, BOUIE, CARTER, CATHEY, JACKSON, LUNEAU, AND PRICE

1 AN ACT

2 To amend and reenact R.S. 17:111(A), R.S. 23:332(A)(1) and (2), (B), (C)(1) and (2), (D),
3 (E), (F)(1) and (2), and (H)(3) and (4), R.S. 51:2232(5), 2236(A), 2602(A),
4 2606(A)(1) through (5), 2607(A), and 2608 and to enact R.S. 23:332(I) and R.S.
5 51:2232(11) and 2603(13), relative to discrimination; to provide relative to
6 discrimination based on hairstyle; to provide relative to discrimination in education,
7 employment, public accommodations, and housing opportunities; to provide for
8 definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:111(A) is hereby amended and reenacted to read as follows:

11 §111. Discrimination in public schools prohibited; pupil assignment; religious
12 educational institutions

13 A.(1) No person shall be refused admission into or be excluded from any
14 public school in the state of Louisiana on account of race, creed, color, disability, as
15 defined in R.S. 51:2232, ~~or national origin, or natural, protective, or cultural~~
16 hairstyle.

17 (2) "Natural, protective, or cultural hairstyle" shall include but is not limited
18 to afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair
19 styled to protect hair texture or for cultural significance.

20 * * *

21 Section 2. R.S. 23:332(A)(1) and (2), (B), (C)(1) and (2), (D), (E), (F)(1) and (2),
22 and (H)(3) and (4) are hereby amended and reenacted and R.S. 23:332(I) is hereby enacted
23 to read as follows:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §332. Intentional discrimination in employment

2 A. It shall be unlawful discrimination in employment for an employer to
3 engage in any of the following practices:

4 (1) Intentionally fail or refuse to hire or to discharge any individual, or
5 otherwise to intentionally discriminate against any individual with respect to
6 compensation, or terms, conditions, or privileges of employment, because of the
7 individual's race, color, religion, sex, ~~or~~ national origin, or natural, protective, or
8 cultural hairstyle.

9 (2) Intentionally limit, segregate, or classify employees or applicants for
10 employment in any way which would deprive or tend to deprive any individual of
11 employment opportunities, or otherwise adversely affect the individual's status as an
12 employee, because of the individual's race, color, religion, sex, ~~or~~ national origin, or
13 natural, protective, or cultural hairstyle.

14 * * *

15 B. It shall be unlawful discrimination in employment for an employment
16 agency to intentionally fail or refuse to refer for employment, or otherwise to
17 intentionally discriminate against, any individual because of his race, color, religion,
18 sex, or national origin, or to intentionally classify or refer for employment any
19 individual on the basis of his race, color, religion, sex, ~~or~~ national origin, or natural,
20 protective, or cultural hairstyle.

21 C. It shall be unlawful discrimination in employment for a labor organization
22 to engage in any of the following practices:

23 (1) Intentionally exclude or intentionally expel from its membership, or
24 otherwise intentionally discriminate against, any individual because of his race,
25 color, religion, sex, ~~or~~ national origin, or natural, protective, or cultural hairstyle.

26 (2) Intentionally limit, segregate, or classify its membership or applicants for
27 membership, or intentionally classify or fail or refuse to refer for employment any
28 individual in any way which would deprive or tend to deprive any individual of
29 employment opportunities, or would limit such employment opportunities, or
30 otherwise adversely affect his status as an employee or as an applicant for

1 employment, because of such individual's race, color, religion, sex, ~~or~~ national
2 origin, or natural, protective, or cultural hairstyle.

3 * * *

4 D. It shall be unlawful discrimination in employment for any employer, labor
5 organization, or joint labor-management committee controlling apprenticeship or
6 other training or retraining, including on-the-job training programs, to discriminate
7 against any individual because of his race, color, religion, sex, ~~or~~ national origin, or
8 natural, protective or cultural hairstyle in admission to, or employment in, any
9 program established to provide apprenticeship or other training.

10 E. It shall be unlawful discrimination in employment for an employer,
11 employment agency, labor organization, or joint labor-management committee
12 controlling apprenticeship or other training or retraining, including on-the-job
13 training programs, to print or publish, or cause to be printed or published, any notice
14 or advertisement relating to employment by an employer or membership in or any
15 classification or referral for employment by a labor organization, or relating to any
16 classification or referral for employment by an employment agency, or relating to
17 admission to, or employment in, any program established to provide apprenticeship
18 or other training by a joint labor-management committee, indicating any preference,
19 limitation, specification, or discrimination based on race, color, religion, sex, ~~or~~
20 national origin, or natural, protective, or cultural hairstyle. However, a notice or
21 advertisement may indicate a preference, limitation, specification, or discrimination
22 based on religion, sex, or national origin when religion, sex, or national origin is a
23 bona fide occupational qualification for employment.

24 F. It shall be unlawful discrimination in employment for an insurer to engage
25 in any of the following practices:

26 (1) Intentionally fail or refuse to appoint or to discharge any insurance agent,
27 or otherwise to intentionally discriminate against any insurance agent with respect
28 to his compensation, terms, conditions, or privileges of employment, because of the
29 insurance agent's race, color, religion, sex, ~~or~~ national origin, or natural, protective,
30 or cultural hairstyle.

1 (2) Intentionally limit, segregate, or classify his insurance agents or
2 applicants for an insurance agent in any way which would deprive or tend to deprive
3 any insurance agent or applicant of employment opportunities, or otherwise
4 adversely affect his status as an insurance agent or applicant because of the insurance
5 agent's or applicant's race, color, religion, sex, ~~or~~ national origin, or natural,
6 protective, or cultural hairstyle.

7 * * *

8 H. Notwithstanding any other provision of this Section, it shall not be
9 unlawful discrimination in employment for:

10 * * *

11 (3) An employer to apply different standards of compensation or different
12 terms, conditions, or privileges of employment pursuant to a bona fide seniority or
13 merit system, or a system which measures earnings by quantity or quality of
14 production, or any other differential based on any factor other than sex, or to
15 employees who work in different locations, provided that such differences are not
16 the result of an intention to discriminate because of race, color, religion, sex, ~~or~~
17 national origin, or natural, protective, or cultural hairstyle.

18 (4) An employer to give and to act upon the results of any professionally
19 developed ability test, provided that such test, its administration, or action upon the
20 results is not designed, intended, or used to discriminate because of race, color,
21 religion, sex, ~~or~~ national origin, or natural, protective, or cultural hairstyle.

22 I. "Natural, protective, or cultural hairstyle" shall include but is not limited
23 to afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair
24 styled to protect hair texture or for cultural significance.

25 Section 3. R.S. 51:2232(5), 2236(A), 2602(A), 2606(A)(1) through (5), 2607(A), and
26 2608 are hereby amended and reenacted and R.S. 51:2232(11) and 2603(13) are hereby
27 enacted to read as follows:

28 §2232. Definitions

29 As used in this Chapter:

30 * * *

1 (5) "Discriminatory practice in connection with public accommodations"
 2 means any direct or indirect act or practice of exclusion, distinction, restriction,
 3 segregation, limitation, refusal, denial, or any other act or practice of differentiation
 4 or preference in the treatment of a person or persons because of race, creed, color,
 5 religion, sex, age, disability, ~~or~~ national origin, or natural, protective, or cultural
 6 hairstyle.

7 * * *

8 (11) "Natural, protective, or cultural hairstyle" shall include but is not limited
 9 to afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair
 10 styled to protect hair texture or for cultural significance.

11 * * *

12 §2236. Parishes and municipalities may prohibit discrimination

13 A. Parishes and municipalities may adopt and enforce ordinances, orders,
 14 and resolutions prohibiting all forms of discrimination, including discrimination on
 15 the basis of race, creed, color, religion, national origin, sex, disability, ~~or~~ age, or
 16 natural, protective, or cultural hairstyle, and to prescribe penalties for violations
 17 thereof, such penalties being in addition to the remedial orders and enforcement
 18 herein authorized.

19 * * *

20 §2602. Policy

21 A. The legislature finds and declares that persons in this state who seek a
 22 place to live should be able to find such housing whenever it is available. Further,
 23 in many localities there may be housing shortages. All persons should therefore be
 24 able to compete for available housing on an open, fair, and equitable basis, regardless
 25 of race, color, religion, sex, disability, familial status, ~~or~~ national origin, or natural,
 26 protective, or cultural hairstyle.

27 * * *

28 §2603. Definitions

29 As used in this Chapter:

30 * * *

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