
HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Substitute for Original House Bill No. 41 by Representative Newell as proposed by the House Committee on Civil Law and Procedure

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

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

Be it enacted by the Legislature of Louisiana:

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

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

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

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

* * *

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

§332. Intentional discrimination in employment

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

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

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

* * *

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

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

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

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

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

* * *

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

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

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

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

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

* * *

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

* * *

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

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

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

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

2232. Definitions

As used in this Chapter:

* * *

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

* * *

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

* * *

§2236. Parishes and municipalities may prohibit discrimination

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

* * *

§2602. Policy

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

* * *

§2603. Definitions

As used in this Chapter:

* * *

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

* * *

§2606. Discrimination in sale or rental of housing and other prohibited practices

A. As made applicable by R.S. 51:2604, and except as exempted by Subsection B thereof and R.S. 51:2605, it is unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, ~~or~~ national origin, or natural, protective, or cultural hairstyle.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, ~~or~~ national origin, or natural, protective, or cultural hairstyle.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, ~~or~~ national origin, or natural, protective, or cultural hairstyle, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, disability, familial status, ~~or~~ national origin, or natural, protective, or cultural hairstyle that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status, ~~or~~ national origin, natural, protective, or cultural hairstyle.

* * *

natural, protective, or cultural hairstyle. Proposed law defines "natural, protective, or cultural hairstyle".

Present law (R.S. 51:2231- 2265) provides for the La. Commission on Human Rights, relative to age discrimination. Present law (R.S. 51:2232) provides for definitions.

Proposed law adds "natural, protective, or cultural hairstyle" as a discriminatory practice in connection with public accommodations.

Present law (R.S. 51:2236) provides that parishes and municipalities may adopt and enforce ordinances, orders, and resolutions prohibiting discrimination on the basis of race, creed, color, religion, national origin, sex, disability, or age.

Proposed law retains present law and adds that parishes and municipalities may adopt and enforce ordinances, orders, and resolutions prohibiting discrimination on the basis of natural, protective, or cultural hairstyle.

Present law (R.S. 51:2601-2614) provides for the Louisiana Equal Housing Opportunity Act.

Present law (R.S. 51:2602) provides that it is state policy for all persons to be able to compete for available housing on an open, fair, and equitable basis, regardless of race, color, religion, sex, disability, familial status, or national origin.

Proposed law retains present law and adds that all persons shall be able to compete for available housing regardless of natural, protective, or cultural hairstyle.

Present law (R.S. 51:2603) provides for definitions.

Proposed law defines "natural, protective, and cultural hairstyle".

Present law (R.S. 51:2606) provides for discrimination in the sale or rental of housing. Present law provides that it shall be unlawful to discriminate against any person on account of race, color, religion, sex, familial status, and national origin.

Proposed law retains present law and adds that it shall be unlawful to discriminate against any person on account of "natural, protective, or cultural hairstyle".

Present law (R.S. 51:2607) provides for discrimination in residential real estate transactions. Present law provides that it is unlawful to discriminate against a person because of race, color, religion, sex, disability, familial status, or national origin.

Proposed law retains present law and provides that it shall be unlawful to discriminate on the basis of natural, protective, or cultural hairstyle.

Present law (R.S. 51:2608) provides for discrimination in real estate brokerage services to discriminate on account of race, color, religion, sex, disability, familial status, or national origin.

Proposed law retains present law and provides that it shall be unlawful to discriminate on the basis of natural, protective, or cultural hairstyle.

(Amends R.S. 17:111(A), R.S. 23:332(A)(1) and (2), (B), (C)(1) and (2), (D), (E), (F)(1) and (2), and (H)(3) and (4), R.S. 51:2232(5), 2236(A), 2602(A), 2606(A)(1)-(5), 2607(A), and 2608; Adds R.S. 23:332(I) and R.S. 51:2232(11) and 2603(13))