

2022 Regular Session

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

BY REPRESENTATIVE NEWELL

DISCRIMINATION: Provides relative to hair discrimination in education, employment, public accommodations, and housing options

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 * * *

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

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

4 §332. Intentional discrimination in employment

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

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

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

17 * * *

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

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

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

1 (2) Intentionally limit, segregate, or classify its membership or applicants for
 2 membership, or intentionally classify or fail or refuse to refer for employment any
 3 individual in any way which would deprive or tend to deprive any individual of
 4 employment opportunities, or would limit such employment opportunities, or
 5 otherwise adversely affect his status as an employee or as an applicant for
 6 employment, because of such individual's race, color, religion, sex, ~~or~~ national
 7 origin, or natural, protective, or cultural hairstyle.

8 * * *

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

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

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

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

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

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

14 * * *

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

17 * * *

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

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

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

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

7 §2232. Definitions

8 As used in this Chapter:

9 * * *

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

16 * * *

17 (11) "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 §2236. Parishes and municipalities may prohibit discrimination

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

28 * * *

1 §2602. Policy

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

8 * * *

9 §2603. Definitions

10 As used in this Chapter:

11 * * *

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

15 * * *

16 §2606. Discrimination in sale or rental of housing and other prohibited practices

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

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

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

27 (3) To make, print, or publish, or cause to be made, printed, or published any
28 notice, statement, or advertisement, with respect to the sale or rental of a dwelling
29 that indicates any preference, limitation, or discrimination based on race, color,

1 religion, sex, disability, familial status, ~~or~~ national origin, or natural, protective, or
2 cultural hairstyle, or an intention to make any such preference, limitation, or
3 discrimination.

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

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

12 * * *

13 §2607. Discrimination in residential real estate related transactions

14 A. It is unlawful for any person or other entity whose business includes
15 engaging in residential real estate related transactions to discriminate against any
16 person in making available such a transaction, or in the terms or conditions of such
17 a transaction, because of race, color, religion, sex, disability, familial status, ~~or~~
18 national origin, or natural, protective, or cultural hairstyle.

19 * * *

20 §2608. Discrimination in provision of brokerage services

21 It is unlawful to deny any person access to or membership or participation in
22 any multiple-listing service, real estate brokers' organization or other service,
23 organization, or facility relating to the business of selling or renting dwellings, or to
24 discriminate against him in the terms or conditions of such access, membership, or
25 participation, on account of race, color, religion, sex, disability, familial status, ~~or~~
26 national origin, or natural, protective, or cultural hairstyle.

27 Section 4. The Louisiana State Law Institute is hereby authorized and directed to
28 arrange in alphabetical order and renumber the definitions provided in R.S. 51:2232 and
29 2603.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1083 Engrossed

2022 Regular Session

Newell

Abstract: Prohibits natural, protective, or cultural hairstyle discrimination in education, employment, public accommodations, and housing options.

Present law (R.S. 17:111) provides that no person shall be refused admission or excluded from public schools on account of race, creed, color, disability, or national origin.

Proposed law retains present law and adds that no person shall be refused admission or excluded from public school on account of natural, protective, or cultural hairstyle. Proposed law defines "natural, protective, or cultural hairstyle".

Present law (R.S. 23:332) provides that it shall be unlawful discrimination in employment for an employer to engage in certain practices because of the individual's race, color, religion, sex, or national origin.

Proposed law retains present law and adds that it shall be unlawful discrimination in employment for an employer to engage in certain practices because of the individual's 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 La. 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, or 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))