

House Bill 1010

By: Representatives Schofield of the 60th, Clark of the 108th, Carter of the 92nd, Hugley of the 136th, Hopson of the 153rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 8-3-201 of the Official Code of Georgia Annotated, Article 1 of
2 Chapter 1 of Title 20 of the Official Code of Georgia Annotated, Chapter 1 of Title 34 of the
3 Official Code of Georgia Annotated, and Article 2 of Chapter 19 of Title 45 of the Official
4 Code of Georgia Annotated, protecting individuals from discrimination in housing,
5 education, and employment, respectively, so as to provide for legislative findings and intent;
6 so as to protect the right to equal enjoyment of and privileges to public accommodations;
7 relating to definitions relative to fair housing, general provisions regarding education, and
8 general provisions regarding labor and industrial relations, respectively, so as to prohibit
9 discrimination based on natural hairstyles historically associated with race; to provide for
10 legislative findings; to provide for definitions; to provide for a civil cause of action; to
11 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
12 for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Code Section 8-3-201 of the Official Code of Georgia Annotated, relating to definitions
16 relative to fair housing, is amended by adding new paragraphs and revising paragraphs (13),
17 (14), and (15) as follows:

18 "(13) 'Protective hairstyles' includes, but is not limited to, such hairstyles as braids, locks,
19 twists, or other textured hairstyles.

20 (14) 'Race' includes traits historically associated with race, including, but not limited to,
21 hair texture and protective hairstyles.

22 ~~(13)~~(15) 'Respondent' means:

23 (A) The person or other entity or the state or local government or agency accused in
24 a complaint of an unfair housing practice; and

25 (B) Any other person or entity identified in the course of an investigation and notified
 26 as required with respect to respondents so identified under subsection (d) of Code
 27 Section 8-3-207.

28 ~~(14)~~(16) 'State' means the State of Georgia.

29 ~~(15)~~(17) 'To rent' means to lease, to sublease, to let, and otherwise to grant for a
 30 consideration the right to occupy premises not owned by the occupant."

31 **SECTION 2.**

32 Article 1 of Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to
 33 general provisions regarding education, is amended by adding a new Code section to read
 34 as follows:

35 "20-1-11.

36 (a) As used in this Code section, the term 'Discrimination' means any direct or indirect act
 37 or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or
 38 any other act or practice of differentiation or preference in the treatment of a person or
 39 persons because of race, color, religion, national origin, sex, handicap, or age or the aiding,
 40 abetting, inciting, coercing, or compelling of such an act or practice. This term shall not
 41 include any direct or indirect act or practice of exclusion, distinction, restriction,
 42 segregation, limitation, refusal, denial, or any other act or practice of differentiation or
 43 preference in the treatment of a person or persons because of religion if an educational
 44 institution demonstrates that it is unable to accommodate reasonably an individual's
 45 religious observance or practice without undue hardship on the conduct of the educational
 46 institution's operation.

47 (b) 'Protective hairstyle' means braids, locks, twists, or other textured hairdressing
 48 historically associated with an individual's race.

49 (c) 'Race' includes traits historically associated with race, including, but not limited to, hair
 50 texture and protective hairstyles.

51 (d) No individual shall be subjected to discrimination on the basis of such individual's race
 52 due to a protective hairstyle in any program or activity conducted by an educational
 53 institution that receives, or benefits from, state financial assistance, or enrolls pupils who
 54 receive state student financial aid."

55 **SECTION 3.**

56 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
 57 provisions regarding labor and industrial relations, is amended by adding a new Code section
 58 to read as follows:

59 "34-1-11.

60 (a) As used in this Code section, the term:

61 (1) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,
 62 restriction, segregation, limitation, refusal, denial, or any other act or practice of
 63 differentiation or preference in the treatment of a person or persons because of race,
 64 color, religion, national origin, sex, handicap, or age or the aiding, abetting, inciting,
 65 coercing, or compelling of such an act or practice. This term shall not include any direct
 66 or indirect act or practice of exclusion, distinction, restriction, segregation, limitation,
 67 refusal, denial, or any other act or practice of differentiation or preference in the treatment
 68 of a person or persons because of religion if an employer demonstrates that the employer
 69 is unable to accommodate reasonably an employee's or prospective employee's religious
 70 observance or practice without undue hardship on the conduct of the employer's
 71 operation.

72 (2) 'Employer' means any individual or entity that employs one or more employees.

73 (3) 'Protective hairstyle' means braids, locks, twists, or other natural, textured
 74 hairdressing historically associated with an individual's race.

75 (4) 'Race' includes traits historically associated with race, including, but not limited to,
 76 hair texture and protective hairstyles.

77 (b) No employer shall fail or refuse to hire nor shall any employer discharge or
 78 discriminate against any individual with respect to wages, rates of pay, hours, or other
 79 terms and conditions of employment because of such individual's race due to a protective
 80 hairstyle unless such protective hairstyle restricts such individual's ability to engage in the
 81 particular job or occupation for which he or she is eligible.

82 (c) Any individual who is aggrieved by an alleged violation of this Code section may
 83 institute a civil action against the persons engaged in such alleged violation. Such action
 84 may be maintained in any court of competent jurisdiction and shall be commenced no later
 85 than one year after the alleged violation occurred. The court may grant as relief, as it
 86 deems appropriate, any permanent or temporary injunction, temporary restraining order,
 87 or other order, including, but not limited to, the hiring or reinstatement of the plaintiff to
 88 such individual's original position or an equivalent position, back pay, court costs, and
 89 reasonable attorneys' fees."

90 **SECTION 4.**

91 Article 2 of Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to fair
 92 employment practices, is amended by revising Code Section 45-19-22, relating to definitions
 93 related to the "Fair Employment Practices Act of 1978," as follows:

94 "45-19-22.

95 As used in this article, the term:

96 (1) 'Administrator' means the administrator of the Commission on Equal Opportunity
 97 provided for by Code Section 45-19-24, which agency is composed of an Equal
 98 Employment Division and a Fair Housing Division.

99 (2) 'Board' means the Board of Commissioners of the Commission on Equal Opportunity
 100 created by Code Section 45-19-23.

101 (3) 'Disability' means a physical or mental impairment which substantially limits one or
 102 more of a person's major life activities, unless an employer demonstrates that the
 103 employer is unable to accommodate reasonably to an employee's or prospective
 104 employee's disability without undue hardship on the conduct of the employer's operation.

105 (4) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,
 106 restriction, segregation, limitation, refusal, denial, or any other act or practice of
 107 differentiation or preference in the treatment of a person or persons because of race,
 108 color, religion, national origin, sex, handicap, or age or the aiding, abetting, inciting,
 109 coercing, or compelling of such an act or practice. This term shall not include any direct
 110 or indirect act or practice of exclusion, distinction, restriction, segregation, limitation,
 111 refusal, denial, or any other act or practice of differentiation or preference in the treatment
 112 of a person or persons because of religion if an employer demonstrates that the employer
 113 is unable to accommodate reasonably an employee's or prospective employee's religious
 114 observance or practice without undue hardship on the conduct of the employer's
 115 operation.

116 (4.1) 'Labor organization' means an organization of any kind; agents of such
 117 organization; an agency or employee representation committee, group, association, or
 118 plan in which employees participate and which exists for the purpose, in whole or in part,
 119 of dealing with employers concerning grievances, labor disputes, wages, rates of pay,
 120 hours, or other terms or conditions of employment; or a conference, general committee,
 121 joint or system board, or joint council so engaged which is subordinate to a national or
 122 international labor organization.

123 (4.2) 'Protective hair styles' includes, but is not limited to, such hairstyles as braids,
 124 locks, and twists.

125 (5) 'Public employer' or 'employer' means any department, board, bureau, commission,
 126 authority, or other agency of the state, or labor organization which employs 15 or more
 127 employees within the state for each working day in each of 20 or more calendar weeks
 128 in the current or preceding calendar year. A person elected to public office in this state
 129 is a public employer with respect to persons holding positions or individuals applying for
 130 positions which are subject to the state system of personnel administration created by

131 Chapter 20 of this title, including the rules and regulations promulgated by the State
132 Personnel Board or any personnel merit system of any agency or authority of this state.

133 A person elected to public office in this state is not a public employer with respect to
134 persons holding positions or individuals applying for positions on such officer's personal
135 staff or on the policy-making level or as immediate advisers with respect to the exercise
136 of the constitutional or legal powers of the office held by such officer.

137 (6) 'Public employment' means employment by any department, board, bureau,
138 commission, authority, or other agency of the State of Georgia.

139 (6.1) 'Race' is inclusive of traits historically associated with race, including, but not
140 limited to, hair texture, hair type, and protective hairstyles.

141 (7) 'Religion' means all aspects of religious observance and practice as well as belief.

142 (8) 'Unlawful practice' means an act or practice declared to be an unlawful practice in
143 Code Sections 45-19-29 through 45-19-31, 45-19-32, or 45-19-45."

144 **SECTION 5.**

145 This Act shall become effective on July 1, 2020.

146 **SECTION 6.**

147 All laws and parts of laws in conflict with this Act are repealed.