

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:

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 * * *

1 (13) "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 * * *

5 §2606. Discrimination in sale or rental of housing and other prohibited practices

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

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

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

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

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

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

30 * * *

1 §2607. Discrimination in residential real estate related transactions

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

7 * * *

8 §2608. Discrimination in provision of brokerage services

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

15 Section 4. The Louisiana State Law Institute is hereby authorized and directed to
16 arrange in alphabetical order and renumber the definitions provided in R.S. 51:2232 and
17 2603.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____