

Senate Bill 61

By: Senators Anderson of the 43rd, Davenport of the 44th, Jackson of the 41st, Merritt of the 9th, Butler of the 55th 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, relating to definitions relative to fair housing, general provisions
5 regarding education, general provisions regarding labor and industrial relations, and fair
6 employment practices, respectively, so as to prohibit discrimination based on hairstyles
7 associated with race, color, or national origin; to provide for definitions; to provide for a civil
8 cause of action; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "(13) 'Protective hairstyles' includes, but is not limited to, such hairstyles as braids, locs,
16 twists, or other textured hairstyles.

17 (14) 'Race' includes traits associated with race, color, or national origin, including, but
 18 not limited to, hair texture and protective hairstyles.

19 ~~(13)~~(15) 'Respondent' means:

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

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

25 ~~(14)~~(16) 'State' means the State of Georgia.

26 ~~(15)~~(17) 'To rent' means to lease, to sublease, to let, and otherwise to grant for a
 27 consideration the right to occupy premises not owned by the occupant."

28 **SECTION 2.**

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

32 "20-1-11.

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

34 (1) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,
 35 restriction, segregation, limitation, refusal, denial, or any other act or practice of
 36 differentiation or preference in the treatment of a person or persons because of race,
 37 color, religion, national origin, sex, handicap, or age or the aiding, abetting, inciting,
 38 coercing, or compelling of such an act or practice. This term shall not include any direct
 39 or indirect act or practice of exclusion, distinction, restriction, segregation, limitation,
 40 refusal, denial, or any other act or practice of differentiation or preference in the treatment
 41 of a person or persons because of religion if an educational institution demonstrates that

42 it is unable to accommodate reasonably an individual's religious observance or practice
43 without undue hardship on the conduct of the educational institution's operation.

44 (2) 'Protective hairstyle' means braids, locs, twists, or other textured hairdressing
45 associated with an individual's race, color, or national origin.

46 (3) 'Race' includes traits associated with race, color, or national origin, including, but not
47 limited to, hair texture and protective hairstyles.

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

52

SECTION 3.

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

56 "34-1-11.

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

58 (1) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,
59 restriction, segregation, limitation, refusal, denial, or any other act or practice of
60 differentiation or preference in the treatment of a person or persons because of race,
61 color, religion, national origin, sex, handicap, or age or the aiding, abetting, inciting,
62 coercing, or compelling of such an act or practice. This term shall not include any direct
63 or indirect act or practice of exclusion, distinction, restriction, segregation, limitation,
64 refusal, denial, or any other act or practice of differentiation or preference in the treatment
65 of a person or persons because of religion if an employer demonstrates that the employer
66 is unable to accommodate reasonably an employee's or prospective employee's religious

67 observance or practice without undue hardship on the conduct of the employer's
68 operation.

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

70 (3) 'Protective hairstyle' means braids, locs, twists, or other natural, textured hairdressing
71 associated with an individual's race, color, or national origin.

72 (4) 'Race' includes traits associated with race, color, or national origin, including, but not
73 limited to, hair texture and protective hairstyles.

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

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

87 **SECTION 4.**

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

91 "45-19-22.

92 As used in this article, the term:

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

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

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

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

113 (4.1) 'Labor organization' means an organization of any kind; agents of such
114 organization; an agency or employee representation committee, group, association, or
115 plan in which employees participate and which exists for the purpose, in whole or in part,
116 of dealing with employers concerning grievances, labor disputes, wages, rates of pay,
117 hours, or other terms or conditions of employment; or a conference, general committee,
118 joint or system board, or joint council so engaged which is subordinate to a national or
119 international labor organization.

120 (4.2) 'Protective hairstyles' includes, but is not limited to, such hairstyles as braids, locs,
121 and twists.

122 (5) 'Public employer' or 'employer' means any department, board, bureau, commission,
123 authority, or other agency of the state, or labor organization which employs 15 or more
124 employees within the state for each working day in each of 20 or more calendar weeks
125 in the current or preceding calendar year. A person elected to public office in this state
126 is a public employer with respect to persons holding positions or individuals applying for
127 positions which are subject to the state system of personnel administration created by
128 Chapter 20 of this title, including the rules and regulations promulgated by the State
129 Personnel Board or any personnel merit system of any agency or authority of this state.
130 A person elected to public office in this state is not a public employer with respect to
131 persons holding positions or individuals applying for positions on such officer's personal
132 staff or on the policy-making level or as immediate advisers with respect to the exercise
133 of the constitutional or legal powers of the office held by such officer.

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

136 (6.1) 'Race' is inclusive of traits associated with race, color, or national origin, including,
137 but not limited to, hair texture, hair type, and protective hairstyles.

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

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

141 **SECTION 5.**

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