

Senate Bill 82

By: Senators Anderson of the 43rd, Butler of the 55th, Davenport of the 44th, Esteves of the 6th, Merritt of the 9th 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 protective  
7 hairstyles associated with race, color, or national origin; to provide for definitions; to provide  
8 for a civil cause of action; to provide for a short title; to provide for related matters; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Creating a Respectful and Open World for  
13 Natural Hair Act" or "CROWN Act."

14

**SECTION 2.**

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 hairstyle' means braids, locs, twists, or other textured hairdressing  
 19 associated with an individual's race, color, or national origin.

20 (14) 'Race' includes traits associated with race, color, or national origin, including, but  
 21 not limited to, 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."

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**SECTION 3.**

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 "20-1-12.

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

37 (1) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,  
 38 restriction, segregation, limitation, refusal, denial, or any other act or practice of  
 39 differentiation or preference in the treatment of a person or persons because of race,

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

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

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

51 (b) 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 4.**

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, locs, twists, or other natural, textured hairdressing  
74 associated with an individual's race, color, or national origin.

75 (4) 'Race' includes traits associated with race, color, or national origin, including, but not  
76 limited to, 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."

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**SECTION 5.**

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 hairstyle' means braids, locs, twists, or other textured hairdressing  
124 associated with an individual's race, color, or national origin.

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' includes traits associated with race, color, or national origin, including, but  
140 not limited to, hair texture 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."

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**SECTION 6.**

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