

HOUSE BILL No. 1177

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-18-2; IC 21-7-13; IC 22-9-1-3.

Synopsis: Prohibition of race discrimination based on hair. Prohibits race discrimination based on traits historically associated with race, such as hair texture and protective hairstyles.

Effective: July 1, 2022.

Summers

January 6, 2022, read first time and referred to Committee on Education.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1177

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-18-2-14.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2022]: **Sec. 14.5. "Protective hairstyles"**
4 **includes such hairstyles as braids, locks, and twists, as well as hair**
5 **that is tightly curled or coiled.**

6 SECTION 2. IC 20-18-2-15.3 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2022]: **Sec. 15.3. "Race", for purposes of this**
9 **title (except IC 20-19-3-17, IC 20-19-3-18, IC 20-20-8-8,**
10 **IC 20-26-18-6, IC 20-30-5-23, IC 20-34-6-1, and IC 20-51.4-5-3),**
11 **includes traits historically associated with race, such as hair**
12 **texture and protective hairstyles.**

13 SECTION 3. IC 21-7-13-27.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2022]: **Sec. 27.5. "Protective hairstyles"**
16 **includes such hairstyles as braids, locks, and twists, as well as hair**
17 **that is tightly curled or coiled.**



1 SECTION 4. IC 21-7-13-28.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2022]: **Sec. 28.5. "Race" includes traits**
4 **historically associated with race, such as hair texture and**
5 **protective hairstyles.**

6 SECTION 5. IC 22-9-1-3, AS AMENDED BY P.L.213-2016,
7 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2022]: Sec. 3. As used in this chapter:

9 (a) "Person" means one (1) or more individuals, partnerships,
10 associations, organizations, limited liability companies, corporations,
11 labor organizations, cooperatives, legal representatives, trustees,
12 trustees in bankruptcy, receivers, and other organized groups of
13 persons.

14 (b) "Commission" means the civil rights commission created under
15 section 4 of this chapter.

16 (c) "Director" means the director of the civil rights commission.

17 (d) "Deputy director" means the deputy director of the civil rights
18 commission.

19 (e) "Commission attorney" means the deputy attorney general, such
20 assistants of the attorney general as may be assigned to the
21 commission, or such other attorney as may be engaged by the
22 commission.

23 (f) "Consent agreement" means a formal agreement entered into in
24 lieu of adjudication.

25 (g) "Affirmative action" means those acts that the commission
26 determines necessary to assure compliance with the Indiana civil rights
27 law.

28 (h) "Employer" means the state or any political or civil subdivision
29 thereof and any person employing six (6) or more persons within the
30 state, except that the term "employer" does not include:

31 (1) any nonprofit corporation or association organized exclusively
32 for fraternal or religious purposes;

33 (2) any school, educational, or charitable religious institution
34 owned or conducted by or affiliated with a church or religious
35 institution; or

36 (3) any exclusively social club, corporation, or association that is
37 not organized for profit.

38 (i) "Employee" means any person employed by another for wages or
39 salary. However, the term does not include any individual employed:

40 (1) by the individual's parents, spouse, or child; or

41 (2) in the domestic service of any person.

42 (j) "Labor organization" means any organization that exists for the



1 purpose in whole or in part of collective bargaining or of dealing with
 2 employers concerning grievances, terms, or conditions of employment
 3 or for other mutual aid or protection in relation to employment.

4 (k) "Employment agency" means any person undertaking with or
 5 without compensation to procure, recruit, refer, or place employees.

6 (l) "Discriminatory practice" means:

7 (1) the exclusion of a person from equal opportunities because of
 8 race, religion, color, sex, disability, national origin, ancestry, or
 9 status as a veteran;

10 (2) a system that excludes persons from equal opportunities
 11 because of race, religion, color, sex, disability, national origin,
 12 ancestry, or status as a veteran;

13 (3) the promotion of racial segregation or separation in any
 14 manner, including but not limited to the inducing of or the
 15 attempting to induce for profit any person to sell or rent any
 16 dwelling by representations regarding the entry or prospective
 17 entry in the neighborhood of a person or persons of a particular
 18 race, religion, color, sex, disability, national origin, or ancestry;

19 (4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is
 20 committed by a covered entity (as defined in IC 22-9-5-4);

21 (5) the performance of an abortion solely because of the race,
 22 color, sex, disability, national origin, or ancestry of the fetus; or

23 (6) a violation of any of the following statutes protecting the right
 24 of conscience regarding abortion:

25 (A) IC 16-34-1-4.

26 (B) IC 16-34-1-5.

27 (C) IC 16-34-1-6.

28 Every discriminatory practice relating to the acquisition or sale of real
 29 estate, education, public accommodations, employment, or the
 30 extending of credit (as defined in IC 24-4.5-1-301.5) shall be
 31 considered unlawful unless it is specifically exempted by this chapter.

32 (m) "Public accommodation" means any establishment that caters
 33 or offers its services or facilities or goods to the general public.

34 (n) "Complainant" means:

35 (1) any individual charging on the individual's own behalf to have
 36 been personally aggrieved by a discriminatory practice; or

37 (2) the director or deputy director of the commission charging that
 38 a discriminatory practice was committed against a person (other
 39 than the director or deputy director) or a class of people, in order
 40 to vindicate the public policy of the state (as defined in section 2
 41 of this chapter).

42 (o) "Complaint" means any written grievance that is:



1 (1) sufficiently complete and filed by a complainant with the
2 commission; or

3 (2) filed by a complainant as a civil action in the circuit or
4 superior court having jurisdiction in the county in which the
5 alleged discriminatory practice occurred.

6 The original of any complaint filed under subdivision (1) shall be
7 signed and verified by the complainant.

8 (p) "Sufficiently complete" refers to a complaint that includes:

9 (1) the full name and address of the complainant;

10 (2) the name and address of the respondent against whom the
11 complaint is made;

12 (3) the alleged discriminatory practice and a statement of
13 particulars thereof;

14 (4) the date or dates and places of the alleged discriminatory
15 practice and if the alleged discriminatory practice is of a
16 continuing nature the dates between which continuing acts of
17 discrimination are alleged to have occurred; and

18 (5) a statement as to any other action, civil or criminal, instituted
19 in any other form based upon the same grievance alleged in the
20 complaint, together with a statement as to the status or disposition
21 of the other action.

22 No complaint shall be valid unless filed within one hundred eighty
23 (180) days from the date of the occurrence of the alleged
24 discriminatory practice.

25 (q) "Sex" as it applies to segregation or separation in this chapter
26 applies to all types of employment, education, public accommodations,
27 and housing. However:

28 (1) it shall not be a discriminatory practice to maintain separate
29 restrooms;

30 (2) it shall not be an unlawful employment practice for an
31 employer to hire and employ employees, for an employment
32 agency to classify or refer for employment any individual, for a
33 labor organization to classify its membership or to classify or refer
34 for employment any individual, or for an employer, labor
35 organization, or joint labor management committee controlling
36 apprenticeship or other training or retraining programs to admit
37 or employ any other individual in any program on the basis of sex
38 in those certain instances where sex is a bona fide occupational
39 qualification reasonably necessary to the normal operation of that
40 particular business or enterprise; and

41 (3) it shall not be a discriminatory practice for a private or
42 religious educational institution to continue to maintain and



- 1 enforce a policy of admitting students of one (1) sex only.
- 2 (r) "Disabled" or "disability" means the physical or mental condition
3 of a person that constitutes a substantial disability. In reference to
4 employment under this chapter, "disabled or disability" also means the
5 physical or mental condition of a person that constitutes a substantial
6 disability unrelated to the person's ability to engage in a particular
7 occupation.
- 8 (s) "Veteran" means:
- 9 (1) a veteran of the armed forces of the United States;
10 (2) a member of the Indiana National Guard; or
11 (3) a member of a reserve component.
- 12 (t) **"Protective hairstyles" includes such hairstyles as braids,
13 locks, and twists, as well as hair that is tightly curled or coiled.**
- 14 (u) **"Race" includes traits historically associated with race, such
15 as hair texture and protective hairstyles.**

