

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1394 Session of 2023

INTRODUCED BY MAYES, McCLINTON, BELLMON, HOHENSTEIN, RABB, KINSEY, McNEILL, KENYATTA, STEELE, PROBST, MADDEN, BRENNAN, SCHLOSSBERG, HILL-EVANS, HANBIDGE, KAZEEM, BENHAM, BOROWSKI, SMITH-WADE-EL, CERRATO, KIM, WARREN, PISCIOTTANO, MERSKI, PARKER, BULLOCK, SALISBURY, KHAN, SHUSTERMAN, CEPEDA-FREYTIZ, WAXMAN, MALAGARI, MADSEN, CURRY, DONAHUE, A. BROWN, ABNEY, INNAMORATO, HARRIS, N. NELSON, KRAJEWSKI, SCOTT, TAKAC, FRANKEL, YOUNG, SANCHEZ, D. WILLIAMS, GREEN, FIEDLER, MULLINS, DALEY, GERGELY, GUZMAN, OTTEN, McANDREW, BOYD, FLEMING, WEBSTER, O'MARA, FRIEL, KOSIEROWSKI, BRIGGS, BURGOS, DEASY, MARKOSEK, HOWARD, PIELLI, CONKLIN, CEPHAS, GALLAGHER, KULIK, KINKEAD, SIEGEL, GIRAL, CIRESI, GUENST AND SAPPEY, JUNE 13, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 6, 2023

AN ACT

1 ~~Amending the act of October 27, 1955 (P.L.744, No.222), entitled <--~~
2 ~~"An act prohibiting certain practices of discrimination~~
3 ~~because of race, color, religious creed, ancestry, age or~~
4 ~~national origin by employers, employment agencies, labor~~
5 ~~organizations and others as herein defined; creating the~~
6 ~~Pennsylvania Human Relations Commission in the Governor's~~
7 ~~Office; defining its functions, powers and duties; providing~~
8 ~~for procedure and enforcement; providing for formulation of~~
9 ~~an educational program to prevent prejudice; providing for~~
10 ~~judicial review and enforcement and imposing penalties,"~~
11 ~~further providing for definitions.~~

12 AMENDING THE ACT OF OCTOBER 27, 1955 (P.L.744, NO.222), ENTITLED <--
13 "AN ACT PROHIBITING CERTAIN PRACTICES OF DISCRIMINATION
14 BECAUSE OF RACE, COLOR, RELIGIOUS CREED, ANCESTRY, AGE OR
15 NATIONAL ORIGIN BY EMPLOYERS, EMPLOYMENT AGENCIES, LABOR
16 ORGANIZATIONS AND OTHERS AS HEREIN DEFINED; CREATING THE
17 PENNSYLVANIA HUMAN RELATIONS COMMISSION IN THE GOVERNOR'S
18 OFFICE; DEFINING ITS FUNCTIONS, POWERS AND DUTIES; PROVIDING
19 FOR PROCEDURE AND ENFORCEMENT; PROVIDING FOR FORMULATION OF
20 AN EDUCATIONAL PROGRAM TO PREVENT PREJUDICE; PROVIDING FOR
21 JUDICIAL REVIEW AND ENFORCEMENT AND IMPOSING PENALTIES,"
22 FURTHER PROVIDING FOR DEFINITIONS.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 ~~Section 1. Section 4 of the act of October 27, 1955~~ <--
4 ~~(P.L.744, No.222), known as the Pennsylvania Human Relations~~
5 ~~Act, is amended by adding clauses to read:~~

6 ~~Section 4. Definitions. As used in this act unless a~~
7 ~~different meaning clearly appears from the context:~~

8 * * *

9 ~~(bb) The term "race" includes traits historically associated~~
10 ~~with race, including hair texture and protective hairstyles.~~

11 ~~(cc) The term "protective hairstyle" includes, but is not~~
12 ~~limited to, such hairstyles as dreads, locs, braids, twists,~~
13 ~~coils, Bantu knots, cornrows and extensions.~~

14 ~~Section 2. This act shall take effect in 60 days.~~

15 SECTION 1. SECTION 4 OF THE ACT OF OCTOBER 27, 1955 <--
16 (P.L.744, NO.222), KNOWN AS THE PENNSYLVANIA HUMAN RELATIONS
17 ACT, IS AMENDED BY ADDING CLAUSES TO READ:

18 SECTION 4. DEFINITIONS.--AS USED IN THIS ACT UNLESS A
19 DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT:

20 * * *

21 (BB) THE TERM "RACE" INCLUDES TRAITS ASSOCIATED WITH RACE,
22 INCLUDING HAIR TEXTURE AND PROTECTIVE HAIRSTYLES. NOTHING IN
23 THIS CLAUSE SHALL BE CONSTRUED TO PROHIBIT AN EMPLOYER FROM
24 ADOPTING AND ENFORCING AN OTHERWISE VALID WORKPLACE HEALTH AND
25 SAFETY RULE OR POLICY PROVIDED THE EMPLOYER DEMONSTRATES ALL OF
26 THE FOLLOWING:

27 (1) WITHOUT THE ADOPTION OF THE RULE OR POLICY IT IS
28 REASONABLY CERTAIN THAT THE HEALTH OR SAFETY OF AN EMPLOYEE OR
29 OTHER MATERIALLY CONNECTED PERSON WILL BE IMPAIRED.

30 (2) THE RULE OR POLICY IS ADOPTED FOR NONDISCRIMINATORY

1 REASONS.

2 (3) THE RULE OR POLICY IS APPLIED EQUALLY AND DOES NOT HAVE
3 A DISPROPORTIONATE ADVERSE IMPACT ON A GROUP OF INDIVIDUALS
4 BASED ON TRAITS ASSOCIATED WITH RACE.

5 (4) THE RULE OR POLICY IS SPECIFICALLY TAILORED TO THE
6 APPLICABLE POSITION AND ACTIVITY.

7 (CC) THE TERM "PROTECTIVE HAIRSTYLE" INCLUDES, BUT IS NOT
8 LIMITED TO, SUCH HAIRSTYLES AS LOCS, BRAIDS, TWISTS, COILS,
9 BANTU KNOTS, AFROS AND EXTENSIONS.

10 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.