

HB 359 - AS INTRODUCED

2021 SESSION

21-0130

08/05

HOUSE BILL

359

AN ACT creating a private cause of action for discrimination based on hairstyles relative to a person's ethnicity.

SPONSORS: Rep. Walz, Merr. 23

COMMITTEE: Judiciary

ANALYSIS

This bill creates a private cause of action for discrimination based on hairstyles relative to a person's ethnicity. This bill also exempts such causes of action from the jurisdiction of the human rights commission.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT creating a private cause of action for discrimination based on hairstyles relative to a person's ethnicity.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Protective Hairstyles; Discrimination in Education. Amend RSA 193:38 to read as follows:

2 193:38 Discrimination in Public Schools. No person shall be excluded from participation in,
3 denied the benefits of, or be subjected to discrimination in public schools because of their age, sex,
4 gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or
5 national origin, all as defined in RSA 354-A. Any person claiming to be aggrieved by a
6 discriminatory practice prohibited under this section, including the attorney general, may initiate a
7 civil action against a school or school district in superior court for legal or equitable relief, or with
8 the New Hampshire commission for human rights, as provided in RSA 354-A:27-28. ***In this***
9 ***section, “race” means immutable traits associated with race, including hair texture and***
10 ***protective hairstyles and “protective hairstyles” means hairstyles or hair type, including***
11 ***braids, locs, tight coils or curls, cornrows, Bantu knots, Afros, twists, and headwraps.***

12 2 New Section; Discrimination Based on Protective Hairstyle. Amend RSA 275 by inserting
13 after section 37-c the following new section:

14 275:37-d Discrimination Based on Protective Hairstyle. No person shall be subjected to
15 discrimination in employment because he or she wears a protective hairstyle. In this section,
16 “protective hairstyles” means hairstyles or hair type, including braids, locs, tight coils or curls, corn
17 rows, Bantu knots, Afros, twists, and head wraps. A person subjected to discrimination based on
18 wearing a protective hairstyle shall have a private cause of action and shall be exempt from the
19 jurisdiction of the human rights commission and the provisions of RSA 354-A. This section shall not
20 apply to those employed by the department of corrections.

21 3 New Section; Protective Hairstyles Exempted. Amend RSA 354-A by inserting after section 18
22 the following new section:

23 354-A:18-a Exemption for Protective Hairstyles. Private causes of action under RSA 275:37-d
24 shall be exempt from the jurisdiction of the human rights commission.

25 4 Effective Date. This act shall take effect 60 days after its passage.