

2023 -- H 5924

LC001896

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE CIVIL RIGHTS ACT OF
1990 -- THE CROWN ACT

Introduced By: Representatives Henries, Morales, Alzate, Tanzi, Stewart, Cruz, Hull,
Potter, Speakman, and Giraldo

Date Introduced: March 01, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings.

2 The general assembly finds and declares that:

3 (1) The history of our nation is riddled with laws and societal norms that equated
4 "blackness," and the associated physical traits, for example, dark skin, kinky and curly hair to a
5 badge of inferiority, sometimes subject to separate and unequal treatment.

6 (2) This idea also permeated societal understanding of professionalism. Professionalism
7 was, and still is, closely linked to European features and mannerisms, which entails that those who
8 do not naturally fall into Eurocentric norms must alter their appearances, sometimes drastically and
9 permanently, in order to be deemed professional.

10 (3) Despite the great strides American society and laws have made to reverse the racist
11 ideology that Black traits are inferior, hair remains a rampant source of racial discrimination with
12 serious economic and health consequences, especially for Black individuals.

13 (4) Workplace dress code and grooming policies that prohibit natural hair, including afros,
14 braids, twists, and locks, have a disparate impact on Black individuals as these policies are more
15 likely to deter Black applicants and burden or punish Black employees than any other group.

16 (5) Federal courts accept that Title VII of the Civil Rights Act of 1964 prohibits
17 discrimination based on race, and therefore, protects against discrimination against afros. However,
18 the courts do not understand that afros are not the only natural presentation of Black hair. Black

1 hair can also be naturally presented in braids, twists, and locks.

2 (6) In a society in which hair has historically been one of many determining factors of a
3 person's race, and whether they were a second-class citizen, hair today remains a proxy for race.
4 Therefore, hair discrimination targeting hairstyles associated with race is racial discrimination.

5 (7) Racial discrimination is reflected in school and workplace policies and practices that
6 bar natural or protective hairstyles commonly worn by people of African descent, as well as people
7 of Jewish, Latinx, or Native American descent.

8 (8) The state should acknowledge that people who have hair texture or wear a hairstyle that
9 is historically and contemporarily associated with persons of African, Jewish, Latinx, or Native
10 American descent systematically suffer harmful discrimination in schools, workplaces, and other
11 contexts based upon longstanding race stereotypes and biases.

12 (9) Clear, consistent, and enforceable legal standards must be provided to redress the
13 widespread incidences of race discrimination based upon hair texture, hair type, and protective
14 hairstyles in schools, workplaces, housing, places of public accommodations, and other contexts.

15 (10) It is necessary to prohibit and provide remedies for the harms suffered as a result of
16 race discrimination on the basis of hair texture, hair type, and protective hairstyles.

17 (11) Acting in accordance with the constitutional values of fairness, equity, and opportunity
18 for all, the general assembly recognizes that continuing to enforce a Eurocentric image of
19 professionalism through purportedly race-neutral grooming policies that disparately impact Black
20 individuals and exclude them from some workplaces is in direct opposition to equity and
21 opportunity for all.

22 SECTION 2. Section 42-112-1 of the General Laws in Chapter 42-112 entitled "The Civil
23 Rights Act of 1990" is hereby amended to read as follows:

24 **42-112-1. Discrimination prohibited.**

25 (a) All persons within the state, regardless of race, color, religion, sex, disability, age, or
26 country of ancestral origin, have, except as is otherwise provided or permitted by law, the same
27 rights to make and enforce contracts, to inherit, purchase, to lease, sell, hold, and convey real and
28 personal property, to sue, be parties, give evidence, and to the full and equal benefit of all laws and
29 proceedings for the security of persons and property, and are subject to like punishment, pains,
30 penalties, taxes, licenses, and exactions of every kind, and to no other.

31 (b) For the purposes of this section, the right to "make and enforce contracts, to inherit,
32 purchase, to lease, sell, hold, and convey real and personal property" includes the making,
33 performance, modification and termination of contracts and rights concerning real or personal
34 property, and the enjoyment of all benefits, terms, and conditions of the contractual and other

1 relationships.

2 (c) Nothing contained in this chapter shall be construed to affect chapter 14.1 of title 37,
3 chapter 5.1 of title 28 or any other remedial programs designed to address past societal
4 discrimination.

5 (d) For the purposes of this section, the terms “sex” and “age” have the same meaning as
6 those terms are defined in § 28-5-6, the state fair employment practices act. The term “disability”
7 has the same meaning as that term is defined in § 42-87-1, and the terms, as used regarding persons
8 with disabilities, “auxiliary aids and services,” “readily achievable,” “reasonable accommodation,”
9 “reasonable modification,” and “undue hardship” shall have the same meaning as those terms are
10 defined in § 42-87-1.1.

11 (e) For the purposes of this section, the terms "race or ethnicity" includes ancestry, color,
12 ethnic group identification, and ethnic background as well as the inclusion of traits historically
13 associated with race, including, but not limited to, hair texture, hair type and protective hairstyles
14 that are commonly or historically associated with race and including, but not limited to, such
15 hairstyles as braids, locks, twists, tight coils or curls, cornrows, Bantu knots, Afros, and head wraps.

16 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE CIVIL RIGHTS ACT OF
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- 1 This act would further define the terms "race and ethnicity" to include ancestry, color,
2 ethnic group identification, and ethnic background and inclusive of traits historically associated
3 with race, including, but not limited to, hair texture and protective hairstyles.
4 This act would take effect upon passage.

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