

By: Reynolds

H.B. No. 38

A BILL TO BE ENTITLED

AN ACT

relating to discrimination on the basis of hair texture or protective hairstyle associated with race.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 25, Education Code, is amended by adding Section 25.902 to read as follows:

Sec. 25.902. PROHIBITION ON CERTAIN DISCRIMINATION IN STUDENT DRESS OR GROOMING POLICY. (a) In this section, "protective hairstyle" includes braids, locks, and twists.

(b) Any student dress or grooming policy adopted by a public school, including a student dress or grooming policy for any extracurricular activity, may not discriminate against a hair texture or protective hairstyle commonly or historically associated with race.

SECTION 2. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.979 to read as follows:

Sec. 51.979. PROHIBITION ON CERTAIN DISCRIMINATION IN STUDENT DRESS OR GROOMING POLICY. (a) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Protective hairstyle" includes braids, locks, and twists.

(b) Any student dress or grooming policy adopted by an institution of higher education, including a student dress or

1 grooming policy for any extracurricular activity, may not  
2 discriminate against a hair texture or protective hairstyle  
3 commonly or historically associated with race.

4 SECTION 3. Subchapter C, Chapter 21, Labor Code, is amended  
5 by adding Section 21.1095 to read as follows:

6 Sec. 21.1095. RACIAL DISCRIMINATION BASED ON HAIR TEXTURE  
7 OR PROTECTIVE HAIRSTYLE. (a) In this section, "protective  
8 hairstyle" includes braids, locks, and twists.

9 (b) A provision in this chapter referring to discrimination  
10 because of race or on the basis of race includes discrimination  
11 because of or on the basis of an employee's hair texture or  
12 protective hairstyle commonly or historically associated with  
13 race.

14 (c) An employer, labor union, or employment agency commits  
15 an unlawful employment practice if the employer, labor union, or  
16 employment agency adopts or enforces a dress or grooming policy  
17 that discriminates against a hair texture or protective hairstyle  
18 commonly or historically associated with race.

19 SECTION 4. Section 21.1095, Labor Code, as added by this  
20 Act, applies only to an unlawful employment practice that occurs on  
21 or after the effective date of this Act.

22 SECTION 5. This Act takes effect September 1, 2021.