

HOUSE No. 4295

The Commonwealth of Massachusetts

PRESENTED BY:

Steven Ultrino

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting discrimination based on natural hairstyles.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------------|------------------------------|------------------|
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> | <i>9/18/2019</i> |
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> | <i>9/18/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>9/18/2019</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>9/19/2019</i> |
| <i>Nick Collins</i> | <i>First Suffolk</i> | <i>9/19/2019</i> |
| <i>Tram T. Nguyen</i> | <i>18th Essex</i> | <i>9/19/2019</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>9/19/2019</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> | <i>9/19/2019</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>9/19/2019</i> |
| <i>Marcos A. Devers</i> | <i>16th Essex</i> | <i>9/20/2019</i> |
| <i>Michelle L. Ciccolo</i> | <i>15th Middlesex</i> | <i>9/20/2019</i> |
| <i>John Barrett, III</i> | <i>1st Berkshire</i> | <i>9/23/2019</i> |
| <i>Liz Miranda</i> | <i>5th Suffolk</i> | <i>9/23/2019</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>9/23/2019</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>9/23/2019</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>9/24/2019</i> |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> | <i>9/24/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>9/25/2019</i> |

| | | |
|---------------------------------|---------------------------------------|------------------|
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>9/25/2019</i> |
| <i>Gerard J. Cassidy</i> | <i>9th Plymouth</i> | <i>9/25/2019</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>9/25/2019</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> | <i>9/25/2019</i> |
| <i>Chynah Tyler</i> | <i>7th Suffolk</i> | <i>9/25/2019</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>9/25/2019</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>9/25/2019</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> | <i>9/25/2019</i> |
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> | <i>9/25/2019</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> | <i>9/25/2019</i> |
| <i>Paul J. Donato</i> | <i>35th Middlesex</i> | <i>9/26/2019</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>9/26/2019</i> |

HOUSE No. 4295

By Mr. Ultrino of Malden, a petition (subject to Joint Rule 12) of Steven Ultrino and others for legislation to prohibit discrimination based on natural hairstyles. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act prohibiting discrimination based on natural hairstyles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: The General Court hereby finds and declares that:

2 (i) natural hairstyle is a physical trait central to individual dignity, autonomy and
3 personhood;

4 (ii) targeting a person’s natural hair and hairstyle associated with their race is racial
5 discrimination;

6 (iii) discrimination against Black students, employees and persons participating in public
7 accommodations because of their hair texture and the way in which their hair grows and is styled
8 is illegal discrimination; and

9 (iv) examples of illegal discrimination under this act include:

10 (1) A public or private school that has a policy prohibiting locs or braids.

11 (2) An employer that requires African American women job applicants for telephone
12 customer service positions to cut their locs for the stated reason they “tend to get messy.”

13 (3) A school athletic event that prohibits a Black student athlete with locs from
14 participating in an athletic competition because his hair is below his shoulders, but allows white
15 student-athletes with long hair to tie their hair up.

16 (4) A charter school that informs a Black student that she must change her braided hair
17 extensions because it is a “distraction” in the classroom.

18 (5) A hair salon that advertises and charges a higher price for hair services for African
19 American women with “black hair”.

20 (6) A nightclub that tells a patron he is not welcome because his natural hairstyle does not
21 meet their dress code.

22 SECTION 2. Section 7 of chapter 4 of the General Laws, as appearing in the 2018
23 Official Edition, is hereby amended by adding the following clause:-

24 Sixty-second, “Natural hairstyle”, shall mean natural hair and protective hairstyles, which
25 shall include, but not be limited to protective hairstyles such as braids, locs , twists and other
26 formations.

27 SECTION 3. Chapter 71 of the General Laws, as so appearing, is hereby amended by
28 inserting after section 1C the following section:-

29 Section 1D. No school district, school committee, public school or nonsectarian school
30 shall adopt or implement a policy or code that impairs or prohibits natural hairstyles.

31 The department of elementary and secondary education shall provide written guidance
32 for the administration of this section.

33 SECTION 4. Paragraph (3) of subsection (d) of section 37O of said chapter 71, as so
34 appearing, is hereby amended by inserting after the word “color”, in line 137, the following
35 words:- , natural hairstyle.

36 SECTION 5. Subsection 6 of section 3 of chapter 151B of the General Laws, as so
37 appearing, is hereby amended by inserting after the word “color”, in line 17, the following
38 words:- , natural hairstyle.

39 SECTION 6. Subsection 9 of said section 3 of said chapter 151B, as so appearing, is
40 hereby amended by inserting after the word “color”, in line 63, the following words:- , natural
41 hairstyle.

42 SECTION 7. Subsection 1 of section 4 of said chapter 151B, as so appearing, is hereby
43 amended by inserting after the word “color”, in line 3, the following words:- , natural hairstyle.

44 SECTION 8. Subsection 3 of said section 4 of said chapter 151B, as so appearing, is
45 hereby amended by inserting after the word “color”, in lines 201 and 209, each time it appears,
46 the following words:- , natural hairstyle.

47 SECTION 9. Section 92A of chapter 272 of the General Laws, as so appearing, is hereby
48 amended by inserting after the word “color”, in line 9, the following words:- , natural hairstyle.

49 SECTION 10. Section 98 of said chapter 272, as so appearing, is hereby amended by
50 inserting after the word “color”, in line 2, the following words:- , natural hairstyle.

51 SECTION 11. The Massachusetts Commission Against Discrimination shall adopt,
52 promulgate, amend and rescind rules and regulations or formulate policies and make
53 recommendations to effectuate the purposes of sections 5 to 8, inclusive and sections 9 and 10.

54 SECTION 12. Notwithstanding and general or special law to the contrary, in addition to
55 any other remedy or claim for relief provided for under law, the attorney general may, pursuant
56 to sections 11H to 11J, inclusive, of chapter 12 of the General Laws, bring a civil action for
57 injunctive or other appropriate equitable relief in order to protect the exercise of the rights
58 secured in this act.