

P.L. 2019, CHAPTER 272, approved December 19, 2019
Senate, No. 3945 (*First Reprint*)

1 **AN ACT** concerning discrimination ¹against persons because of
2 traits historically associated with race, particularly focused on
3 discrimination¹ based on hair texture and style ¹, designated as
4 the “Create a Respectful and Open Workspace for Natural Hair
5 Act.”¹ and amending P.L.1945, c.169.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read
11 as follows:

12 5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a
13 different meaning clearly appears from the context:

14 a. "Person" includes one or more individuals, partnerships,
15 associations, organizations, labor organizations, corporations, legal
16 representatives, trustees, trustees in bankruptcy, receivers, and
17 fiduciaries.

18 b. "Employment agency" includes any person undertaking to
19 procure employees or opportunities for others to work.

20 c. "Labor organization" includes any organization which exists
21 and is constituted for the purpose, in whole or in part, of collective
22 bargaining, or of dealing with employers concerning grievances,
23 terms or conditions of employment, or of other mutual aid or
24 protection in connection with employment.

25 d. "Unlawful employment practice" and "unlawful
26 discrimination" include only those unlawful practices and acts
27 specified in section 11 of P.L.1945, c.169 (C.10:5-12).

28 e. "Employer" includes all persons as defined in subsection a.
29 of this section unless otherwise specifically exempt under another
30 section of P.L.1945, c.169 (C.10:5-1 et seq.), and includes the State,
31 any political or civil subdivision thereof, and all public officers,
32 agencies, boards, or bodies.

33 f. "Employee" does not include any individual employed in the
34 domestic service of any person.

35 g. "Liability for service in the Armed Forces of the United
36 States" means subject to being ordered as an individual or member
37 of an organized unit into active service in the Armed Forces of the
38 United States by reason of membership in the National Guard, naval
39 militia or a reserve component of the Armed Forces of the United
40 States, or subject to being inducted into such armed forces through
41 a system of national selective service.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted November 18, 2019.

- 1 h. "Division" means the "Division on Civil Rights" created by
2 P.L.1945, c.169 (C.10:5-1 et seq.).
- 3 i. "Attorney General" means the Attorney General of the State
4 of New Jersey or the Attorney General's representative or designee.
- 5 j. "Commission" means the Commission on Civil Rights
6 created by P.L.1945, c.169 (C.10:5-1 et seq.).
- 7 k. "Director" means the Director of the Division on Civil
8 Rights.
- 9 l. "A place of public accommodation" shall include, but not be
10 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
11 summer camp, day camp, or resort camp, whether for entertainment
12 of transient guests or accommodation of those seeking health,
13 recreation, or rest; any producer, manufacturer, wholesaler,
14 distributor, retail shop, store, establishment, or concession dealing
15 with goods or services of any kind; any restaurant, eating house, or
16 place where food is sold for consumption on the premises; any
17 place maintained for the sale of ice cream, ice and fruit preparations
18 or their derivatives, soda water or confections, or where any
19 beverages of any kind are retailed for consumption on the premises;
20 any garage, any public conveyance operated on land or water or in
21 the air or any stations and terminals thereof; any bathhouse,
22 boardwalk, or seashore accommodation; any auditorium, meeting
23 place, or hall; any theatre, motion-picture house, music hall, roof
24 garden, skating rink, swimming pool, amusement and recreation
25 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
26 pool parlor, or other place of amusement; any comfort station; any
27 dispensary, clinic, or hospital; any public library; and any
28 kindergarten, primary and secondary school, trade or business
29 school, high school, academy, college and university, or any
30 educational institution under the supervision of the State Board of
31 Education or the Commissioner of Education of the State of New
32 Jersey. Nothing herein contained shall be construed to include or to
33 apply to any institution, bona fide club, or place of accommodation,
34 which is in its nature distinctly private; nor shall anything herein
35 contained apply to any educational facility operated or maintained
36 by a bona fide religious or sectarian institution, and the right of a
37 natural parent or one in loco parentis to direct the education and
38 upbringing of a child under his control is hereby affirmed; nor shall
39 anything herein contained be construed to bar any private secondary
40 or post-secondary school from using in good faith criteria other than
41 race, creed, color, national origin, ancestry, gender identity, or
42 expression or affectional or sexual orientation in the admission of
43 students.
- 44 m. "A publicly assisted housing accommodation" shall include
45 all housing built with public funds or public assistance pursuant to
46 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
47 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
48 c.184, and all housing financed in whole or in part by a loan,

1 whether or not secured by a mortgage, the repayment of which is
2 guaranteed or insured by the federal government or any agency
3 thereof.

4 n. The term "real property" includes real estate, lands,
5 tenements and hereditaments, corporeal and incorporeal, and
6 leaseholds, provided, however, that, except as to publicly assisted
7 housing accommodations, the provisions of this act shall not apply
8 to the rental: (1) of a single apartment or flat in a two-family
9 dwelling, the other occupancy unit of which is occupied by the
10 owner as a residence; or (2) of a room or rooms to another person or
11 persons by the owner or occupant of a one-family dwelling
12 occupied by the owner or occupant as a residence at the time of
13 such rental. Nothing herein contained shall be construed to bar any
14 religious or denominational institution or organization, or any
15 organization operated for charitable or educational purposes, which
16 is operated, supervised, or controlled by or in connection with a
17 religious organization, in the sale, lease, or rental of real property,
18 from limiting admission to or giving preference to persons of the
19 same religion or denomination or from making such selection as is
20 calculated by such organization to promote the religious principles
21 for which it is established or maintained. Nor does any provision
22 under this act regarding discrimination on the basis of familial
23 status apply with respect to housing for older persons.

24 o. "Real estate broker" includes a person, firm, or corporation
25 who, for a fee, commission, or other valuable consideration, or by
26 reason of promise or reasonable expectation thereof, lists for sale,
27 sells, exchanges, buys or rents, or offers or attempts to negotiate a
28 sale, exchange, purchase, or rental of real estate or an interest
29 therein, or collects or offers or attempts to collect rent for the use of
30 real estate, or solicits for prospective purchasers or assists or directs
31 in the procuring of prospects or the negotiation or closing of any
32 transaction which does or is contemplated to result in the sale,
33 exchange, leasing, renting, or auctioning of any real estate, or
34 negotiates, or offers or attempts or agrees to negotiate a loan
35 secured or to be secured by mortgage or other encumbrance upon or
36 transfer of any real estate for others; or any person who, for
37 pecuniary gain or expectation of pecuniary gain conducts a public
38 or private competitive sale of lands or any interest in lands. In the
39 sale of lots, the term "real estate broker" shall also include any
40 person, partnership, association, or corporation employed by or on
41 behalf of the owner or owners of lots or other parcels of real estate,
42 at a stated salary, or upon a commission, or upon a salary and
43 commission or otherwise, to sell such real estate, or any parts
44 thereof, in lots or other parcels, and who shall sell or exchange, or
45 offer or attempt or agree to negotiate the sale or exchange, of any
46 such lot or parcel of real estate.

47 p. "Real estate salesperson" includes any person who, for
48 compensation, valuable consideration or commission, or other thing

1 of value, or by reason of a promise or reasonable expectation
2 thereof, is employed by and operates under the supervision of a
3 licensed real estate broker to sell or offer to sell, buy or offer to buy
4 or negotiate the purchase, sale, or exchange of real estate, or offers
5 or attempts to negotiate a loan secured or to be secured by a
6 mortgage or other encumbrance upon or transfer of real estate, or to
7 lease or rent, or offer to lease or rent any real estate for others, or to
8 collect rents for the use of real estate, or to solicit for prospective
9 purchasers or lessees of real estate, or who is employed by a
10 licensed real estate broker to sell or offer to sell lots or other parcels
11 of real estate, at a stated salary, or upon a commission, or upon a
12 salary and commission, or otherwise to sell real estate, or any parts
13 thereof, in lots or other parcels.

14 q. "Disability" means physical or sensory disability, infirmity,
15 malformation, or disfigurement which is caused by bodily injury,
16 birth defect, or illness including epilepsy and other seizure
17 disorders, and which shall include, but not be limited to, any degree
18 of paralysis, amputation, lack of physical coordination, blindness or
19 visual impairment, deafness or hearing impairment, muteness or
20 speech impairment, or physical reliance on a service or guide dog,
21 wheelchair, or other remedial appliance or device, or any mental,
22 psychological, or developmental disability, including autism
23 spectrum disorders, resulting from anatomical, psychological,
24 physiological, or neurological conditions which prevents the typical
25 exercise of any bodily or mental functions or is demonstrable,
26 medically or psychologically, by accepted clinical or laboratory
27 diagnostic techniques. Disability shall also mean AIDS or HIV
28 infection.

29 r. "Blind person" or "person who is blind" means any
30 individual whose central visual acuity does not exceed 20/200 in the
31 better eye with correcting lens or whose visual acuity is better than
32 20/200 if accompanied by a limit to the field of vision in the better
33 eye to such a degree that its widest diameter subtends an angle of
34 no greater than 20 degrees.

35 s. "Guide dog" means a dog used to assist persons who are
36 deaf, or which is fitted with a special harness so as to be suitable as
37 an aid to the mobility of a person who is blind, and is used by a
38 person who is blind and has satisfactorily completed a specific
39 course of training in the use of such a dog, and has been trained by
40 an organization generally recognized by agencies involved in the
41 rehabilitation of persons with disabilities, including, but not limited
42 to, those persons who are blind or deaf, as reputable and competent
43 to provide dogs with training of this type.

44 t. "Guide or service dog trainer" means any person who is
45 employed by an organization generally recognized by agencies
46 involved in the rehabilitation of persons with disabilities, including,
47 but not limited to, those persons who are blind, have visual
48 impairments, or are deaf or have hearing impairments, as reputable

- 1 and competent to provide dogs with training, as defined in this
2 section, and who is actually involved in the training process.
- 3 u. "Housing accommodation" means any publicly assisted
4 housing accommodation or any real property, or portion thereof,
5 which is used or occupied, or is intended, arranged, or designed to
6 be used or occupied, as the home, residence, or sleeping place of
7 one or more persons, but shall not include any single family
8 residence the occupants of which rent, lease, or furnish for
9 compensation not more than one room therein.
- 10 v. "Public facility" means any place of public accommodation
11 and any street, highway, sidewalk, walkway, public building, and
12 any other place or structure to which the general public is regularly,
13 normally, or customarily permitted or invited.
- 14 w. "Deaf person" or "person who is deaf" means any person
15 whose hearing is so severely impaired that the person is unable to
16 hear and understand conversational speech through the unaided ear
17 alone, and who must depend primarily on an assistive listening
18 device or visual communication such as writing, lip reading, sign
19 language, and gestures.
- 20 x. "Atypical hereditary cellular or blood trait" means sickle cell
21 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
22 fibrosis trait.
- 23 y. "Sickle cell trait" means the condition wherein the major
24 natural hemoglobin components present in the blood of the
25 individual are hemoglobin A (normal) and hemoglobin S (sickle
26 hemoglobin) as defined by standard chemical and physical analytic
27 techniques, including electrophoresis; and the proportion of
28 hemoglobin A is greater than the proportion of hemoglobin S or one
29 natural parent of the individual is shown to have only normal
30 hemoglobin components (hemoglobin A, hemoglobin A2,
31 hemoglobin F) in the normal proportions by standard chemical and
32 physical analytic tests.
- 33 z. "Hemoglobin C trait" means the condition wherein the major
34 natural hemoglobin components present in the blood of the
35 individual are hemoglobin A (normal) and hemoglobin C as defined
36 by standard chemical and physical analytic techniques, including
37 electrophoresis; and the proportion of hemoglobin A is greater than
38 the proportion of hemoglobin C or one natural parent of the
39 individual is shown to have only normal hemoglobin components
40 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
41 proportions by standard chemical and physical analytic tests.
- 42 aa. "Thalassemia trait" means the presence of the thalassemia
43 gene which in combination with another similar gene results in the
44 chronic hereditary disease Cooley's anemia.
- 45 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
46 which in combination with another similar gene results in the
47 chronic hereditary disease Tay-Sachs.

- 1 cc. "Cystic fibrosis trait" means the presence of the cystic
2 fibrosis gene which in combination with another similar gene
3 results in the chronic hereditary disease cystic fibrosis.
- 4 dd. "Service dog" means any dog individually trained to the
5 requirements of a person with a disability including, but not limited
6 to minimal protection work, rescue work, pulling a wheelchair or
7 retrieving dropped items. This term shall include a "seizure dog"
8 trained to alert or otherwise assist persons with epilepsy or other
9 seizure disorders.
- 10 ee. "Qualified Medicaid applicant" means an individual who is a
11 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 12 ff. "AIDS" means acquired immune deficiency syndrome as
13 defined by the Centers for Disease Control and Prevention of the
14 United States Public Health Service.
- 15 gg. "HIV infection" means infection with the human
16 immunodeficiency virus or any other related virus identified as a
17 probable causative agent of AIDS.
- 18 hh. "Affectional or sexual orientation" means male or female
19 heterosexuality, homosexuality, or bisexuality by inclination,
20 practice, identity, or expression, having a history thereof or being
21 perceived, presumed, or identified by others as having such an
22 orientation.
- 23 ii. "Heterosexuality" means affectional, emotional, or physical
24 attraction or behavior which is primarily directed towards persons
25 of the other gender.
- 26 jj. "Homosexuality" means affectional, emotional, or physical
27 attraction or behavior which is primarily directed towards persons
28 of the same gender.
- 29 kk. "Bisexuality" means affectional, emotional, or physical
30 attraction or behavior which is directed towards persons of either
31 gender.
- 32 ll. "Familial status" means being the natural parent of a child,
33 the adoptive parent of a child, the resource family parent of a child,
34 having a "parent and child relationship" with a child as defined by
35 State law, or having sole or joint legal or physical custody, care,
36 guardianship, or visitation with a child, or any person who is
37 pregnant or is in the process of securing legal custody of any
38 individual who has not attained the age of 18 years.
- 39 mm. "Housing for older persons" means housing:
- 40 (1) provided under any State program that the Attorney General
41 determines is specifically designed and operated to assist persons
42 who are elderly (as defined in the State program); or provided under
43 any federal program that the United States Department of Housing
44 and Urban Development determines is specifically designed and
45 operated to assist persons who are elderly (as defined in the federal
46 program); or
- 47 (2) intended for, and solely occupied by, persons 62 years of age
48 or older; or

1 (3) intended and operated for occupancy by at least one person
2 55 years of age or older per unit. In determining whether housing
3 qualifies as housing for older persons under this paragraph, the
4 Attorney General shall adopt regulations which require at least the
5 following factors:

6 (a) the existence of significant facilities and services
7 specifically designed to meet the physical or social needs of older
8 persons, or if the provision of such facilities and services is not
9 practicable, that such housing is necessary to provide important
10 housing opportunities for older persons; and

11 (b) that at least 80 percent of the units are occupied by at least
12 one person 55 years of age or older per unit; and

13 (c) the publication of, and adherence to, policies and procedures
14 which demonstrate an intent by the owner or manager to provide
15 housing for persons 55 years of age or older.

16 Housing shall not fail to meet the requirements for housing for
17 older persons by reason of: persons residing in such housing as of
18 September 13, 1988 not meeting the age requirements of this
19 subsection, provided that new occupants of such housing meet the
20 age requirements of this subsection; or unoccupied units, provided
21 that such units are reserved for occupancy by persons who meet the
22 age requirements of this subsection.

23 nn. "Genetic characteristic" means any inherited gene or
24 chromosome, or alteration thereof, that is scientifically or medically
25 believed to predispose an individual to a disease, disorder, or
26 syndrome, or to be associated with a statistically significant
27 increased risk of development of a disease, disorder, or syndrome.

28 oo. "Genetic information" means the information about genes,
29 gene products, or inherited characteristics that may derive from an
30 individual or family member.

31 pp. "Genetic test" means a test for determining the presence or
32 absence of an inherited genetic characteristic in an individual,
33 including tests of nucleic acids such as DNA, RNA, and
34 mitochondrial DNA, chromosomes, or proteins in order to identify a
35 predisposing genetic characteristic.

36 qq. "Domestic partnership" means a domestic partnership
37 established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

38 rr. "Gender identity or expression" means having or being
39 perceived as having a gender related identity or expression whether
40 or not stereotypically associated with a person's assigned sex at
41 birth.

42 ss. "Civil Union" means a legally recognized union of two
43 eligible individuals established pursuant to R.S.37:1-1 et seq. and
44 P.L.2006, c.103 (C.37:1-28 et al.).

45 tt. "Premium wages" means additional remuneration for night,
46 weekend, or holiday work, or for standby or irregular duty.

47 uu. "Premium benefit" means an employment benefit, such as
48 seniority, group life insurance, health insurance, disability

1 insurance, sick leave, annual leave, or an educational or pension
2 benefit that is greater than the employment benefit due the
3 employee for an equivalent period of work performed during the
4 regular work schedule of the employee.

5 vv. “Race” is inclusive of traits historically associated with race,
6 including, but not limited to, hair texture, hair type, and protective
7 hairstyles.

8 ww. “Protective hair styles” includes, but is not limited to, such
9 hairstyles as braids, locks, and twists.

10 (cf: P.L.2017, c.131, s.8)

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12 2. This act shall take effect immediately.

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17 “Create a Respectful and Open Workspace for Natural Hair Act”
18 –CROWN Act; addresses discrimination under “Law Against
19 Discrimination” based on traits historically associated with race,
20 particularly focused on hair texture and style.