

[First Reprint]
SENATE, No. 3945

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 13, 2019

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on November 18, 2019, with amendments.

(Sponsorship Updated As Of: 12/17/2019)

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.

42 h. "Division" means the "Division on Civil Rights" created by
43 P.L.1945, c.169 (C.10:5-1 et seq.).

44 i. "Attorney General" means the Attorney General of the State
45 of New Jersey or the Attorney General's representative or designee.

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

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

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

44 p. "Real estate salesperson" includes any person who, for
45 compensation, valuable consideration or commission, or other thing
46 of value, or by reason of a promise or reasonable expectation
47 thereof, is employed by and operates under the supervision of a
48 licensed real estate broker to sell or offer to sell, buy or offer to buy

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

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

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

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

41 t. "Guide or service dog trainer" means any person who is
42 employed by an organization generally recognized by agencies
43 involved in the rehabilitation of persons with disabilities, including,
44 but not limited to, those persons who are blind, have visual
45 impairments, or are deaf or have hearing impairments, as reputable
46 and competent to provide dogs with training, as defined in this
47 section, and who is actually involved in the training process.

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

1 dd. "Service dog" means any dog individually trained to the
2 requirements of a person with a disability including, but not limited
3 to minimal protection work, rescue work, pulling a wheelchair or
4 retrieving dropped items. This term shall include a "seizure dog"
5 trained to alert or otherwise assist persons with epilepsy or other
6 seizure disorders.

7 ee. "Qualified Medicaid applicant" means an individual who is a
8 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

9 ff. "AIDS" means acquired immune deficiency syndrome as
10 defined by the Centers for Disease Control and Prevention of the
11 United States Public Health Service.

12 gg. "HIV infection" means infection with the human
13 immunodeficiency virus or any other related virus identified as a
14 probable causative agent of AIDS.

15 hh. "Affectional or sexual orientation" means male or female
16 heterosexuality, homosexuality, or bisexuality by inclination,
17 practice, identity, or expression, having a history thereof or being
18 perceived, presumed, or identified by others as having such an
19 orientation.

20 ii. "Heterosexuality" means affectional, emotional, or physical
21 attraction or behavior which is primarily directed towards persons
22 of the other gender.

23 jj. "Homosexuality" means affectional, emotional, or physical
24 attraction or behavior which is primarily directed towards persons
25 of the same gender.

26 kk. "Bisexuality" means affectional, emotional, or physical
27 attraction or behavior which is directed towards persons of either
28 gender.

29 ll. "Familial status" means being the natural parent of a child,
30 the adoptive parent of a child, the resource family parent of a child,
31 having a "parent and child relationship" with a child as defined by
32 State law, or having sole or joint legal or physical custody, care,
33 guardianship, or visitation with a child, or any person who is
34 pregnant or is in the process of securing legal custody of any
35 individual who has not attained the age of 18 years.

36 mm. "Housing for older persons" means housing:

37 (1) provided under any State program that the Attorney General
38 determines is specifically designed and operated to assist persons
39 who are elderly (as defined in the State program); or provided under
40 any federal program that the United States Department of Housing
41 and Urban Development determines is specifically designed and
42 operated to assist persons who are elderly (as defined in the federal
43 program); or

44 (2) intended for, and solely occupied by, persons 62 years of age
45 or older; or

46 (3) intended and operated for occupancy by at least one person
47 55 years of age or older per unit. In determining whether housing
48 qualifies as housing for older persons under this paragraph, the

1 Attorney General shall adopt regulations which require at least the
2 following factors:

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

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

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

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

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

25 oo. "Genetic information" means the information about genes,
26 gene products, or inherited characteristics that may derive from an
27 individual or family member.

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

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

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

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

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

44 uu. "Premium benefit" means an employment benefit, such as
45 seniority, group life insurance, health insurance, disability
46 insurance, sick leave, annual leave, or an educational or pension
47 benefit that is greater than the employment benefit due the

1 employee for an equivalent period of work performed during the
2 regular work schedule of the employee.

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

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

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

9

10 2. This act shall take effect immediately.