

BILL ANALYSIS

H.B. 392
By: Bowers
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been reports of individuals being denied the right to attend or graduate from school, being denied employment opportunities, and being refused housing based on choosing to wear their natural hairstyles. Interested parties suggest that individuals should not be required to put chemicals in their hair to change its texture or appearance or otherwise divest themselves of their cultural identity in order to adapt or be seen as deserving of opportunities in schools or the workplace or for housing. H.B. 392 seeks to provide protection against discrimination based on race-based hairstyles.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 392 amends the Education Code to prohibit a public school district or public institution of higher education from adopting a student dress or grooming policy, including a policy for an extracurricular activity, that discriminates against a hair texture or protective hairstyle commonly or historically associated with race.

H.B. 392 amends the Labor Code to establish that a provision of applicable state law governing employment discrimination that refers to discrimination because of race or on the basis of race includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race. The bill establishes that an employer, labor union, or employment agency commits an unlawful employment practice if they adopt or enforce a dress or grooming policy that discriminates against such a hair texture or protective hairstyle.

H.B. 392 amends the Property Code to establish that a provision of the Texas Fair Housing Act, other than provisions establishing criminal penalties, that refers to discrimination because of race or on the basis of race includes discrimination because of or on the basis of a person's hair texture or protective hairstyle commonly or historically associated with race.

H.B. 392 clarifies that the term "protective hairstyle" includes braids, locks, and twists.

EFFECTIVE DATE

September 1, 2021.