

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 439 Session of
2025

INTRODUCED BY MAYES, McCLINTON, SMITH-WADE-EL, D. MILLER,
MADDEN, VENKAT, GUZMAN, HILL-EVANS, MARKOSEK, KENYATTA,
McNEILL, POWELL, SCHLOSSBERG, RABB, KAZEEM, WAXMAN, BRENNAN,
HADDOCK, PIELLI, STEELE, KHAN, BERNSTINE, HANBIDGE, GIRAL,
SANCHEZ, BOYD, HOHENSTEIN, BENHAM, CURRY, OTTEN, ABNEY,
CEPHAS, N. NELSON, CARROLL, BELLMON, SAMUELSON, T. DAVIS,
D. WILLIAMS, MALAGARI, PARKER, BRIGGS, A. BROWN, BURGOS,
SCOTT, CEPEDA-FREYTIZ, KRAJEWSKI, SHUSTERMAN, CERRATO,
BOROWSKI, FIEDLER, McANDREW, PROBST, DAVIDSON, GUENST,
SALISBURY, FLEMING, DALEY, WEBSTER, RIVERA, KOSIEROWSKI,
GREEN, O'MARA, MADSEN, CIRESI, DEASY AND K.HARRIS,
JANUARY 30, 2025

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 17, 2025

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled
2 "An act prohibiting certain practices of discrimination
3 because of race, color, religious creed, ancestry, age or
4 national origin by employers, employment agencies, labor
5 organizations and others as herein defined; creating the
6 Pennsylvania Human Relations Commission in the Governor's
7 Office; defining its functions, powers and duties; providing
8 for procedure and enforcement; providing for formulation of
9 an educational program to prevent prejudice; providing for
10 judicial review and enforcement and imposing penalties,"
11 further providing for definitions.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 4 of the act of October 27, 1955
15 (P.L.744, No.222), known as the Pennsylvania Human Relations
16 Act, is amended by adding clauses to read:

17 Section 4. Definitions.--As used in this act unless a

different meaning clearly appears from the context:

* * *

(bb) (1) The term "race" includes traits historically associated with the individual's race, including hair texture and protective hairstyles. Nothing in this clause shall be construed to prohibit an employer from adopting and enforcing an otherwise valid workplace health and safety rule or policy or other rule or policy justified as a bona fide occupational qualification, provided the employer demonstrates all of the following, if the rule or policy impacts traits historically associated with the individual's race:

(i) Without the adoption of the rule or policy the health or safety of an employee or other materially connected person may be impaired.

(ii) The rule or policy is adopted for nondiscriminatory reasons.

(iii) The rule or policy is specifically tailored to the applicable position and activity.

(iv) The rule or policy is applied equally to individuals whose positions fall under the applicable position and activity.

(2) Nothing in this clause shall be construed to prohibit an employer from adopting and enforcing an otherwise valid workplace policy to prevent a hostile work environment, provided the policy is adopted for nondiscriminatory reasons and is applied equally.

(cc) The term "protective hairstyle" includes, but is not limited to, such hairstyles as locs, braids, twists, coils, Bantu knots, afros and extensions.

(dd) (1) The term "religious creed" includes, but is not limited to, head coverings and hairstyles historically

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1 associated with religious creeds. Nothing in this clause shall
2 be construed to prohibit an employer from adopting and enforcing
3 an otherwise valid workplace health and safety rule or policy or
4 other rule or policy justified as a bona fide occupational
5 qualification, provided the employer demonstrates all of the
6 following, if the rule or policy impacts head coverings and
7 hairstyles historically associated with the individual's
8 religious creed:

9 (i) Without the adoption of the rule or policy the health or
10 safety of an employe or other materially connected person may be
11 impaired.

12 (ii) The rule or policy is adopted for nondiscriminatory
13 reasons.

14 (iii) The rule or policy is specifically tailored to the
15 applicable position and activity.

16 (iv) The rule or policy is applied equally to individuals
17 whose positions fall under the applicable position and activity.

18 (2) Nothing in this clause shall be construed to prohibit an
19 employer from adopting and enforcing an otherwise valid
20 workplace policy to prevent a hostile work environment, provided
21 the policy is adopted for nondiscriminatory reasons and is
22 applied equally.

23 Section 2. This act shall take effect in 60 days.