



2022 South Dakota Legislature

Senate Bill 140

Introduced by: **Senator Nesiba**

1 **An Act to recognize hair discrimination as an unfair or discriminatory practice.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That chapter 20-13 be amended with a NEW SECTION:**

4 It is an unfair or discriminatory practice for any person to fail or refuse to hire a
 5 person, or to accord adverse or unequal treatment to any person, employee, or intern,
 6 with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading,
 7 compensation, layoff, or any term or condition of employment, based on the hair texture,
 8 hair type, or hairstyle of the person, employee, or intern.

9 It is not an unfair or discriminatory practice for a person to enact any bona fide
 10 health and safety standard that regulates a characteristic associated with hair texture,
 11 hair type, or hairstyle, if the person demonstrates that:

12 (1) Without the implementation of the standard, it is reasonably certain that the health
 13 and safety of a person, employee, or intern will be impaired;

14 (2) The standard is adopted for nondiscriminatory reasons;

15 (3) The standard is applied equally; and

16 (4) The person enacting the standard has engaged in good faith efforts to reasonably
 17 accommodate the person, employee, or intern.

18 It is not an unfair or discriminatory practice for the South Dakota National Guard
 19 to impose its own dress and grooming standards.

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