

# FINAL BILL REPORT

## HB 2602

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C 85 L 20  
Synopsis as Enacted

**Brief Description:** Concerning hair discrimination.

**Sponsors:** Representatives Morgan, Thai, Pettigrew, Entenman, Lovick, Slatter, Santos, Ryu, Duerr, Appleton, Bergquist, Stonier, Ramos, Leavitt, Corry, Orwall, Dolan, Frame, Valdez, Gregerson, Ortiz-Self, Peterson, Davis, Riccelli, Callan, J. Johnson, Fey, Ramel, Hudgins, Kilduff, Robinson, Irwin, Doglio, Ormsby, Pollet and Macri.

**House Committee on Civil Rights & Judiciary**  
**Senate Committee on Law & Justice**

### **Background:**

The Washington Law Against Discrimination (WLAD) establishes that it is a civil right to be free from discrimination based on race; creed; color; national origin; families with children; sex; marital status; sexual orientation; age; the presence of any sensory, mental, or physical disability; or the use of a trained guide dog or service animal by a disabled person. This right applies to employment; places of public accommodation; commerce; and real estate, credit, and insurance transactions.

Race is not defined in statute.

### Hair Discrimination in the Federal Courts.

The primary federal law that prohibits employment discrimination is Title VII of the Civil Rights Act of 1964 (Title VII), which precludes employers from refusing to hire, discharging, or otherwise discriminating in compensation or other terms or conditions of employment because of an employee's protected characteristic. Title VII also prohibits employers from limiting, segregating, or classifying employees or applicants in a way that deprives an individual of employment opportunities or otherwise adversely affects an employee's status because of a protected characteristic. Protected characteristics under Title VII are race, color, religion, sex, or national origin.

Federal courts have generally held that protections against racial discrimination cover only those aspects of racial identity that are immutable. As it relates to hair, Title VII protection only extends to immutable traits of race such as hair texture. Mutable characteristics, such as hairstyles, have not been considered protected characteristics.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Afros are considered an "immutable racial characteristic" by the federal courts and are protected under Title VII on the basis of race.

**Summary:**

Discrimination on the basis of hair style or texture under the Washington Law Against Discrimination (WLAD) is discrimination based on race and is prohibited. The WLAD is amended to define "race" as inclusive of traits historically associated or perceived to be associated with race. This includes, but is not limited to, hair texture and protective hairstyles such as afros, braids, locks, and twists.

**Votes on Final Passage:**

House	87	10
Senate	38	9

**Effective:** June 11, 2020