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DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 32

AN ACT TO AMEND THE DELAWARE CODE RELATING TO DISCRIMINATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1901, Title 2 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 1901. Definitions.

4 As used in this chapter:

5 (4) "Protective hairstyle" includes braids, locks, and twists.

6 (5) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

7 Section 2. Amend § 4502, Title 6 of the Delaware Code by making deletions as shown by strike through and
8 insertions as shown by underline as follows and by redesignating accordingly:

9 § 4502. Definitions.

10 As used in this chapter:

11 (15) "Protective hairstyle" includes braids, locks, and twists.

12 (16) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

13 Section 3. Amend § 4602, Title 6 of the Delaware Code by making deletions as shown by strike through and
14 insertions as shown by underline as follows and by redesignating accordingly:

15 § 4602. Definitions.

16 As used in this chapter:

17 (22) "Protective hairstyle" includes braids, locks, and twists.

18 (23) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

19 Section 4. Amend § 1183, Title 9 of the Delaware Code by making deletions as shown by strike through and
20 insertions as shown by underline as follows:

21 § 1183. Prohibitions and penalties.

22 (a) The following prohibitions ~~shall be applicable:~~ apply:

23 (1) ~~No person shall~~ A person may not be appointed to, or removed from, or in any way favored or
24 discriminated against with respect to, any county position, or appointive county administrative office, because of race,
25 or color, or national origin, ~~or political,~~ political or religious opinions or affiliations, ~~or sex, or~~ sexual orientation, or
26 gender ~~identity;~~ identity. For purposes of this subsection:

27 a. “Protective hairstyle” includes braids, locks, and twists.

28 b. “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

29 (2) ~~No person shall,~~ A person may not, wilfully or corruptly, make any false statement, certificate, mark,
30 ~~rating,~~ rating, or report in regard to any test, certification or appointment under the personnel provisions of this chapter,
31 or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel
32 provisions or of the rules and regulations made under this ~~chapter;~~ chapter.

33 (3) ~~No person~~ A person who seeks appointment or promotion with respect to any county position or
34 appointive county administrative office ~~shall,~~ may not, directly or indirectly, give, ~~render,~~ render, or pay any money,
35 ~~service,~~ service, or other valuable thing to any person for, or in connection with, that person’s test, appointment,
36 proposed appointment, ~~promotion~~ promotion, or proposed promotion.

37 Section 5. Amend § 9605, Title 9 of the Delaware Code by making deletions as shown by strike through and
38 insertions as shown by underline as follows:

39 § 9605. Recordation of instruments.

40 (b)(1) A recorder may not knowingly record or receive for filing any contract, mortgage, lease, deed or
41 conveyance, or any other indenture or agreement affecting real property that contains any promise, covenant, or restriction
42 that limits, restrains, prohibits, or otherwise provides against the sale, gift, transfer, assignment, conveyance, ownership,
43 lease, rental, use, or occupancy of real property to or by any person because of race, color, creed, religion, sex, sexual
44 orientation, gender identity, disability, age, marital status, familial status, source of income, national origin, or ancestry. For
45 purposes of this paragraph (b)(1):

46 a. “Protective hairstyle” includes braids, locks, and twists.

47 b. “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

48 (2) Paragraph (b)(1) of this section does not prohibit a recorder from recording or receiving for filing any
49 contract, mortgage, lease, deed or conveyance, or any other indenture or agreement affecting real property that contains
50 a provision that is permitted by the exceptions to the Delaware Fair Housing Act under §§ 4603A and 4607 of Title 6.

51 Section 6. Amend § 4503, Title 10 of the Delaware Code by making deletions as shown by strike through and
52 insertions as shown by underline as follows:

53 § 4503. Definitions.

54 As used in this chapter:

55 (1) "Clerk" means the prothonotary of each county, and includes any deputy or clerk in the office of the
56 ~~prothonotary;~~ prothonotary.

57 (2) "Court" means the Superior Court of the State, and includes any Judge of the ~~Court;~~ Court.

58 (3) "Juror qualification form" means a form approved by the Court which shall elicit information relevant to
59 the selection of jurors in accordance with this ~~chapter;~~ and chapter.

60 (4) "Jury selection plan" means a written plan designed to carry out the policy and the provisions of this
61 ~~chapter;~~ chapter.

62 (5) "Master list" means a list or an electronic system for the storage of the names of prospective jurors
63 selected randomly from the source ~~list;~~ list.

64 (6) "Protective hairstyle" includes braids, locks, and twists.

65 ~~(6)~~ (7) "Qualified jury wheel" means a device or an electronic system for the storage of the names of
66 prospective jurors on a master list who are not disqualified from jury service.

67 (8) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

68 ~~(7)~~ (9) "Source list" means a list or an electronic system for the storage of the names on the voter registration
69 list which may be supplemented with names from other sources to foster the policy of this ~~chapter;~~ chapter.

70 ~~(8)~~ (10) "Voter registration list" means the current official record of persons registered to vote in a general
71 ~~election;~~ election.

72 Section 7. Amend § 1213, Title 11 of the Delaware Code by making deletions as shown by strike through and
73 insertions as shown by underline as follows:

74 § 1213. Definitions relating to abuse of office.

75 (a) ~~In §§ 1211 and 1212 of this title, the~~ The definitions given in under § 1209 of this title apply. apply to §§
76 1211 and 1212 of this title.

77 (b) As used in § 1211 of this title:

78 (1) "Protective hairstyle" includes braids, locks, and twists.

79 (2) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

80 Section 8. Amend § 1304, Title 11 of the Delaware Code by making deletions as shown by strike through and
81 insertions as shown by underline as follows:

82 § 1304. Hate crimes; class A misdemeanor, class G felony, class F felony, class E felony, class D felony, class C
83 felony, class B felony, class A felony.

84 (a) Any person who commits, or attempts to commit, any crime as defined by the laws of this State, and who
85 intentionally:

86 (1) Commits said crime for the purpose of interfering with the victim's free exercise or enjoyment of any
87 right, privilege or immunity protected by the First Amendment to the United States Constitution, or commits said crime
88 because the victim has exercised or enjoyed said rights; or

89 (2) Selects the victim because of the victim's race, religion, color, disability, sexual orientation, gender
90 identity, national origin or ancestry, shall be guilty of a hate crime. For purposes of this ~~section~~, section:

91 a. the term "sexual orientation" means heterosexuality, bisexuality, or homosexuality, and the term
92 "gender identity" means a gender-related identity, appearance, ~~expression~~ expression, or behavior of a
93 person, regardless of the person's assigned sex at birth.

94 b. "Protective hairstyle" includes braids, locks, and twists.

95 c. "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

96 d. "Sexual orientation" means heterosexuality, bisexuality, or homosexuality.

97 Section 9. Amend § 506, Title 14 of the Delaware Code by making deletions as shown by strike through and
98 insertions as shown by underline as follows:

99 § 506. Restrictions.

100 (a) A charter school ~~shall not~~; may not do any of the following:

101 (1) Charge tuition, except in accordance with Chapter 6 of this title, or collect fees not permitted to be
102 assessed by other school ~~districts~~; districts.

103 (2) Be home-based nor engage in any sectarian or religious practices in its educational program, admissions
104 policies, employment policies or ~~operations~~; operations.

105 (3) Restrict student admissions except:

106 a. By age and grade;

107 b. By lottery in the case of over-enrollment;

108 c. By gender in the case of a same-gender school, except that there may not be more than 1 same-gender
109 school for each gender operating simultaneously, and any same-gender charter school authorized prior to June 30,

110 2014, may have their charter renewed and continue to operate. Any subsequent same-gender charter school that
111 seeks to operate in the State shall make its application to the Department of Education and the State Board of
112 Education.

113 d.–g. [Repealed.]

114 (4) Discriminate against any student in the admissions process because of race, creed, color, sex (except in the
115 case of a same-gender school), handicap, or national origin, or because the student’s school district of residence has a
116 per student local expenditure lower than another student seeking ~~admission; or~~ admission. For the purposes of this
117 subsection:

118 a. “Protective hairstyle” includes braids, locks, and twists.

119 b. “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

120 (5) Be formed to circumvent a court-ordered desegregation plan.

121 Section 10. Amend § 4161, Title 14 of the Delaware Code by making deletions as shown by strike through and
122 insertions as shown by underline as follows and by redesignating accordingly:

123 § 4161. Definitions.

124 For purposes of this subchapter:

125 (9) “Protective hairstyle” includes braids, locks, and twists.

126 (10) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

127 Section 11. Amend § 8501, Title 14 of the Delaware Code by making deletions as shown by strike through and
128 insertions as shown by underline as follows and by redesignating accordingly:

129 § 8501. Definitions.

130 As used in this chapter, unless the context otherwise requires:

131 (4) “Protective hairstyle” includes braids, locks, and twists.

132 (5) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

133 Section 12. Amend § 2304, Title 18 of the Delaware Code by making deletions as shown by strike through and
134 insertions as shown by underline as follows:

135 § 2304. Unfair methods of competition and unfair or deceptive acts or practices defined.

136 The following are ~~hereby~~ defined as unfair methods of competition and unfair or deceptive acts or practices in the
137 business of insurance:

138 (22) Unfair discrimination in the value of insurance policies and premiums based on race, color, religion,
139 sexual orientation, gender identity or national origin; penalty. —

140 a. It ~~shall be~~ is an unlawful practice for any insurance company licensed to do business in this State to
141 discriminate in any way because of the insured's race, color, religion, sexual orientation, gender-~~identity~~ identity,
142 or national origin, or to make, publish, disseminate, ~~circulate~~ circulate, or place before the public, or cause,
143 directly or indirectly, to be made, published, disseminated, ~~circulated~~ circulated, or placed before the public, in a
144 newspaper, ~~magazine~~ magazine, or other publication, or in the form of a notice, circular, pamphlet, ~~letter~~ letter, or
145 poster, or over any radio or television station, or in any other way, to include the writing of any policy or the
146 application therefor, an advertisement, ~~announcement~~ announcement, or statement containing any assertion,
147 ~~representation~~ representation, or statement with respect to the business of insurance or with respect to any person
148 in the conduct of the insurance business, which discriminates in any way because of the insured's race, color,
149 religion, sexual orientation, gender-~~identity~~ identity, or national origin or to classify or refer to any individual on
150 the basis of race, color, religion, sexual orientation, gender-~~identity~~ identity, or national origin.

151 b. For purposes of this paragraph (22):

152 1. "Gender identity" means a gender-related identity, appearance, expression, or behavior of a
153 person, regardless of the person's assigned sex at birth. Gender identity may be demonstrated by consistent
154 and uniform assertion of the gender identity or any other evidence that the gender identity is sincerely held as
155 part of a person's core identity; provided, however, that gender identity shall not be asserted for any improper
156 purpose.

157 2. "Protective hairstyle" includes braids, locks, and twists.

158 3. "Race" includes traits historically associated with race, including hair texture and a protective
159 hairstyle.

160 4. "Sexual orientation" exclusively means heterosexuality, homosexuality, or bisexuality.

161 c. ~~"Gender identity" means a gender-related identity, appearance, expression or behavior of a person,~~
162 ~~regardless of the person's assigned sex at birth. Gender identity may be demonstrated by consistent and uniform~~
163 ~~assertion of the gender identity or any other evidence that the gender identity is sincerely held as part of a person's~~
164 ~~core identity; provided, however, that gender identity shall not be asserted for any improper purpose. [Transferred~~
165 ~~to paragraph (22)b. of this section.]~~

166 Section 13. Amend § 204, Title 19 of the Delaware Code by making deletions as shown by strike through and
167 insertions as shown by underline as follows:

168 § 204. Training and apprenticeship programs.

169 (g) The recruitment, ~~selection~~ selection, and training of apprentice trainees during their apprenticeship shall be
170 without discrimination because of race, color, religion, ~~national origin~~ national origin, or sex. The State will take
171 affirmative action to provide equal opportunity in apprenticeship programs and will operate the training program as
172 required under the State plan for equal employment in apprenticeship and training. For purposes of this subsection:

173 (1) “Protective hairstyle” includes braids, locks, and twists.

174 (2) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

175 Section 14. Amend § 710, Title 19 of the Delaware Code by making deletions as shown by strike through and
176 insertions as shown by underline as follows and by redesignating accordingly:

177 § 710. Definitions.

178 For the purposes of this subchapter:

179 (18) “Protective hairstyle” includes braids, locks, and twists.

180 (20) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

181 Section 15. Amend § 502, Title 24 of the Delaware Code by making deletions as shown by strike through and
182 insertions as shown by underline as follows and by redesignating accordingly:

183 § 502. Definitions [Effective Jan. 1, 2021; Effective until July 1, 2021].

184 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them
185 under this section, except where the context clearly indicates a different meaning:

186 (14) “Protective hairstyle” includes braids, locks, and twists.

187 (15) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

188 Section 16. Amend § 502, Title 24 of the Delaware Code by making deletions as shown by strike through and
189 insertions as shown by underline as follows and by redesignating accordingly:

190 § 502. Definitions [Effective July 1, 2021].

191 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them
192 under this section, except where the context clearly indicates a different meaning:

193 (14) “Protective hairstyle” includes braids, locks, and twists.

194 (15) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

195 Section 17. Amend § 701, Title 24 of the Delaware Code by making deletions as shown by strike through and
196 insertions as shown by underline as follows and by redesignating accordingly:

197 § 701. Chiropractic defined; limitation of chiropractic license [Effective until July 1, 2021].

198 (a) As used in this chapter:

199 (1) “Chiropractic” means a drugless system of health care based on the principle that interference with the
200 transmission of nerve impulses may cause disease.

201 (4) “Protective hairstyle” includes braids, locks, and twists.

202 (5) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

203 Section 18. Amend § 701, Title 24 of the Delaware Code by making deletions as shown by strike through and
204 insertions as shown by underline as follows and by redesignating accordingly:

205 § 701. Chiropractic defined; limitation of chiropractic license [Effective July 1, 2021].

206 (a) As used in this chapter:

207 (1) “Chiropractic” means a drugless system of health care based on the principle that interference with the
208 transmission of nerve impulses may cause disease.

209 (4) “Protective hairstyle” includes braids, locks, and twists.

210 (5) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

211 Section 19. Amend § 1702, Title 24 of the Delaware Code by making deletions as shown by strike through and
212 insertions as shown by underline as follows and by redesignating accordingly:

213 § 1702. Definitions [Effective Jan. 1, 2021; Effective until July 1, 2021].

214 The following definitions apply to this chapter unless otherwise expressly stated or implied by the context:

215 (14) “Protective hairstyle” includes braids, locks, and twists.

216 (15) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

217 Section 20. Amend § 1702, Title 24 of the Delaware Code by making deletions as shown by strike through and
218 insertions as shown by underline as follows and by redesignating accordingly:

219 § 1702. Definitions [Effective July 1, 2021].

220 The following definitions apply to this chapter unless otherwise expressly stated or implied by the context:

221 (14) “Protective hairstyle” includes braids, locks, and twists.

222 (15) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

223 Section 21. Amend § 3101, Title 24 of the Delaware Code by making deletions as shown by strike through and
224 insertions as shown by underline as follows and by redesignating accordingly:

225 § 3101. Definitions.

226 The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them under
227 this section, except where the context clearly indicates a different meaning:

228 (14) “Protective hairstyle” includes braids, locks, and twists.

229 (15) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

230 Section 22. Amend § 5141, Title 25 of the Delaware Code by making deletions as shown by strike through and
231 insertions as shown by underline as follows and by redesignating accordingly:

232 § 5141. Definitions.

233 The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this
234 section, except where the context clearly indicates a different meaning:

235 (24) “Protective hairstyle” includes braids, locks, and twists.

236 (25) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

237 Section 23. Amend § 5953, Title 29 of the Delaware Code by making deletions as shown by strike through and
238 insertions as shown by underline as follows:

239 § 5953. Discrimination prohibited.

240 (a) For purposes of this section:

241 (1) “Protective hairstyle” includes braids, locks, and twists.

242 (2) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.

243 (b) No person shall A person may not be appointed or promoted to, or demoted or dismissed from, any position in
244 the classified service, or be in any way favored or discriminated against with respect to employment in the classified ~~service~~
245 service, because of political or religious opinions or affiliations, sexual orientation, gender identity, ~~sex~~ sex, or race.

246 Section 24. Amend § 6962, Title 29 of the Delaware Code by making deletions as shown by strike through and
247 insertions as shown by underline as follows:

248 § 6962. Large public works contract procedures.

249 (d) Bid specifications and plans requirements. —

250 (7) Equality of employment opportunity and equal pay on public works. —

251 a. As a condition of the awarding of any contract for public works financed in whole or in part by state
252 appropriation, such contracts shall include the following provisions:

253 During the performance of this contract, the contractor agrees as follows:

254 1. The contractor will not discriminate against any employee or applicant for employment because of
255 race, creed, color, sex, sexual orientation, gender identity or national origin. The contractor will take positive
256 steps to ensure that applicants are employed and that employees are treated during employment without regard
257 to their race, creed, color, sex, sexual orientation, gender identity or national origin. Such action shall include,
258 but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment

259 advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training,
260 including apprenticeship. The contractor agrees to post in conspicuous places available to employees and
261 applicants for employment notices to be provided by the contracting agency setting forth this
262 nondiscrimination clause.

263 2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of
264 the contractor, state that all qualified applicants will receive consideration for employment without regard to
265 race, creed, color, sex, sexual orientation, gender identity or national origin.

266 3. The contractor will ensure employees receive equal pay for equal work, without regard to sex.
267 Employee pay differential is acceptable if pursuant to a seniority system, a merit system, a system which
268 measures earnings by quantity or quality of production, or if the differential is based on any other factor other
269 than sex.

270 b. The Secretary of the Department of Labor shall be responsible for the administration of this provision
271 and shall adopt such rules and regulations and issue such orders as deemed necessary to achieve the purposes
272 thereof; provided, that no requirement established hereby shall be in conflict with § 6904 of this title.

273 c. For the purposes of this section:

274 1. “Protective hairstyle” includes braids, locks, and twists.

275 2. “Race” includes traits historically associated with race, including hair texture and a protective
276 hairstyle.

SYNOPSIS

A 2019 study found the following:

- (1) Black women are 80% more likely to change their natural hair to meet social norms or expectations at work.
- (2) Black women are 50% more likely to be sent home or know of another Black woman sent home from work because of her hair.
- (3) Black women are 30% more likely to be made aware of a formal workplace appearance policy.

Delaware law prohibits discrimination on the basis of race in a variety of settings. This Act makes clear that race also includes traits historically associated with race, including hair texture and a protective hairstyle, which includes braids, locks, and twists.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Brown