

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 3340**

By Delegates Hamilton, Hornbuckle, Lewis, Fluharty,  
Hansen, Pushkin, Young, Williams, and Garcia

[Introduced March 13, 2025; referred to the  
Committee on Government Organization then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §5-11-22, relating to discrimination, prohibiting discrimination on the basis of  
3 hairstyle or texture.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 11. HUMAN RIGHTS COMMISSION**

### **§5-11-22. Discrimination based on certain hair textures and hairstyles; definitions.**

1 (a) For the purposes of this article, impermissible discrimination is, but not limited to,  
2 discrimination based on hair textures and protective hairstyles historically associated with groups  
3 genetically inheriting textured hair to end the disparate impact of facially neutral policies upon  
4 those groups.

5 (b) The term "protective hairstyles" are those hairstyles necessitated by, or resulting from,  
6 the immutable characteristics of hair texture allowing the management of textured hair in its  
7 natural state without heat or chemical treatment, such as braids, locks, afros, curls, and twists.  
8 "Locks" means a narrow ropelike strand of hair formed by matting, braiding, or twisting. "Braids"  
9 means a woven strands of hair. "Twists" means strands of hair twisted around one another, or a  
10 single section of hair twisted. "Afro" means a natural growth of curly or textured hair, in any length.

11 (c) Institutional policies, rules, or guidelines imposing restrictions impacting textured hair  
12 may balance the restrictions against legitimate safety hazards if the restrictions would also apply  
13 to people without textured hair or utilizing protective hairstyles. Plaintiffs making a claim under this  
14 statute may challenge institutional restrictions sufficiently by either:

15 (1) Providing tools or techniques, if used and use mandated, would mitigate hazards;

16 (2) Demonstrating that the stated safety hazard cited poses no legitimate risk of harm; or

17 (3) Demonstrating that stated safety hazard is merely pretext for behavior actually  
18 motivated by discrimination.

NOTE: The purpose of this bill is to clarify that impermissible discrimination includes

discrimination based on certain hair textures and styles.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.