

# Legislative Analysis



## PROHIBIT DISCRIMINATION BASED ON TRAITS HISTORICALLY ASSOCIATED WITH RACE

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<http://www.house.mi.gov/hfa>

**Senate Bill 90 (S-1) as passed by the Senate**

**Sponsor: Sen. Sarah Anthony**

**House Committee: Criminal Justice**

**Senate Committee: Civil Rights, Judiciary, and Public Safety**

**Complete to 6-5-23**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 45 of 2023)*

### SUMMARY:

Senate Bill 90 would amend the Elliott-Larsen Civil Rights Act to prohibit discrimination based on traits historically associated with race, such as hair texture and protective hairstyles such as braids, locks, and twists.

Generally speaking, the act prohibits discriminatory practices, policies, and customs in employment, housing, education, and places of public accommodation based on religion, race, color, national origin, age, sex, height, weight, familial status [having children], or marital status.<sup>1</sup> These are often called “protected categories” with reference to the act. The act is enforced by private lawsuits and by the Michigan Civil Rights Commission, which through the Michigan Department of Civil Rights (MDCR) investigates and acts on discrimination complaints.

The bill would provide that, for purposes of the act, the term *race* includes traits that have been historically associated with race, which would include at least hair texture and *protective hairstyles* (defined as including at least such hairstyles as braids, locks, and twists).

MCL 37.2103

### FISCAL IMPACT:

The bill is not likely to have a fiscal impact on the Michigan Department of Civil Rights. However, there could be potential costs related to complaint investigations and enforcement. Potential costs would depend on whether there would be a significant increase in civil rights complaint cases submitted and investigated by MDCR from provisions related to hairstyles as provided by the bill, and whether existing complaint and investigation staff levels could accommodate these cases. The annual cost to MDCR of a complaint and investigation FTE position is \$157,000.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

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<sup>1</sup> The act was recently amended to prohibit discrimination based on sexual orientation and gender identity, but these changes will not go into effect until 90 days after the legislature has adjourned to end the legislative session.