

## **New Jersey Senate Advances Bill to Prohibit Height and Weight Discrimination**

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The New Jersey Senate has advanced S1631, legislation that would amend the New Jersey Law Against Discrimination (“LAD”) to prohibit discrimination based on height and weight.

The LAD currently prohibits discrimination in employment, housing, and places of public accommodation based on numerous protected characteristics, including race, religion, sex, age, disability, sexual orientation, marital status, and gender identity or expression. The statute is widely regarded as one of the most expansive anti-discrimination laws in the country.

### **Scope of the Legislation**

If enacted, S1631 would make it unlawful for employers to treat applicants or employees differently because of their height or weight. This would apply to employment-related decisions such as:

- Hiring and recruitment
- Promotions and advancement opportunities
- Compensation and benefits
- Discipline and termination
- Other terms and conditions of employment

The bill also includes a limited exception where height or weight is reasonably necessary to perform the duties of a particular position or is required for safety-related reasons.

### **Legislative Context**

Supporters of the measure contend that individuals may experience bias based on body size or stature and that explicit protections are necessary to address those concerns. Opponents have questioned whether additional statutory protections are needed given the breadth of the LAD’s existing anti-discrimination provisions.

If enacted, the law would place New Jersey among a small number of jurisdictions that specifically prohibit discrimination based on height and weight.

### **Implications for Employers**

Should the legislation become law, employers operating in New Jersey may wish to consider:

- Reviewing hiring criteria and recruiting practices;

- Evaluating job descriptions that include physical requirements; and
- Updating anti-discrimination and harassment policies and training.

### **Final Considerations**

The bill must still be considered by the General Assembly before it can be presented to the governor for consideration. Although the bill has not yet been enacted, employers should monitor its progress as it moves through the Legislature. Employers with questions about this legislation or other employment law matters should contact Jennifer O'Connor of Saiber LLC's Employment & Labor Law Practice.