

Senate File 418 - Enrolled

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AN ACT

RELATING TO SEX AND GENDER, INCLUDING THOSE AND RELATED TERMS FOR PURPOSES OF STATUTORY CONSTRUCTION, INDICATIONS OF A PERSON'S SEX ON CERTAIN VITAL RECORDS, GENDER IDENTITY UNDER THE IOWA CIVIL RIGHTS ACT, AND SCHOOL CURRICULA RELATED TO GENDER THEORY.

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

Section 1. NEW SECTION. **4.1A Statutory construction — sex and related terms.**

1. In the construction of statutes, the following rules shall be observed with regard to a person's biological sex:

a. "Sex", when used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth.

b. When used in reference to a natural person, a "female" means an individual who has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident, a reproductive system that at some point produces ova, and a "male" means an individual who has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident, a reproductive system that at some point produces sperm.

c. The term "woman" or "girl" refers to a female and the term "man" or "boy" refers to a male.

d. The term "mother" means a parent who is female and the term "father" means a parent who is male.

e. "Gender", when used alone in reference to males, females, or the natural differences between males and females shall be considered a synonym for sex and shall not be considered a synonym or shorthand expression for gender identity, experienced gender, gender expression, or gender role.

f. The term "equal" does not mean "same" or "identical".

g. Separate accommodations are not inherently unequal.

h. A person born with a medically verifiable diagnosis of disorder or difference of sex development shall be provided the legal protections and accommodations afforded under the federal Americans with Disabilities Act of 1990 and applicable state law.

2. Any state law, policy, or program that prohibits discrimination on the basis of sex shall be construed to forbid unfair or discriminatory practices against females or males in relation to similarly situated members of the opposite sex.

3. Notwithstanding any provision of state law to the contrary, distinctions based on sex, including but not limited to in prisons or other detention facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms, and in other contexts where health, safety, or privacy are implicated resulting in separate accommodations, are substantially related to the important government objectives of protecting the health, safety, and privacy of the persons in these contexts.

4. Any state department or subunit of a department, or any political subdivision of the state including a city, county, township, or school district that collects vital statistics for the purpose of complying with state antidiscrimination laws, or for the purpose of gathering accurate state public health, crime, economic, or other data, shall identify the sex of each person included in the collected data as either male or female.

5. For the purposes of this section, "state law" includes any state statute or rule.

Sec. 2. Section 84A.6, subsection 4, paragraph a, Code 2025, is amended to read as follows:

a. The department of workforce development, in consultation with the department of education, shall establish a system that allows the department of education, school districts, charter schools, area education agencies, and accredited nonpublic

schools to post job openings on an internet site. The system must include a mechanism for the electronic submission of job openings for posting on the internet site. The system and each job posting on the internet site must include a statement that an employer submitting a job opening for posting on the internet site will not discriminate in hiring on the basis of race, ethnicity, national origin, gender, age, physical disability, sexual orientation, ~~gender identity~~, religion, marital status, or status as a veteran.

Sec. 3. Section 144.13, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A certificate of birth filed under this section shall include a designation of the sex of the person. "Sex" for purposes of this chapter means the same as defined in section 4.1A. If the sex of the child cannot be determined at birth, the time period for filing a certificate of birth shall be extended for a period of no more than six months to allow the parents to obtain any diagnosis or testing from a health care provider as defined in section 144.29A, subsection 7, paragraph "a", that is necessary to determine the child's sex.

Sec. 4. Section 144.23, Code 2025, is amended to read as follows:

144.23 State registrar to issue establish new certificate of birth.

1. The state registrar shall establish a new certificate of birth for a person born in this state, when the state registrar receives the following:

~~1.~~ a. An adoption report as provided in section 144.19, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth.

~~2.~~ b. A request that a new certificate be established and evidence proving that the person for whom the new certificate is requested has been legitimated, or that a court of competent jurisdiction has determined the paternity of the person.

~~3. A notarized affidavit by a licensed physician and surgeon or osteopathic physician and surgeon stating that by reason of surgery or other treatment by the licensee, the sex designation of the person has been changed. The state registrar may make a further investigation or require further information necessary to~~

~~determine whether a sex change has occurred.~~

2. Pursuant to section 4.1A, a new certificate of birth established under subsection 1 shall include a designation of sex of the person at birth.

Sec. 5. Section 144.24, subsections 1 and 2, Code 2025, are amended to read as follows:

1. If a new certificate of birth is established, the actual place and date of birth shall be shown on the certificate and shall include a designation of the person's sex pursuant to section 144.23. The certificate shall be substituted for the original certificate of birth.

2. Following substitution of the original certificate of birth with a new certificate of birth, the original certificate and the evidence of adoption, paternity, or legitimation, ~~or sex change~~ shall not be subject to inspection except under order of a court of competent jurisdiction, including but not limited to an order issued pursuant to section 261I.2 or 600.16A, as provided in section 144.23A or 144.24A, or as provided by administrative rule for statistical or administrative purposes only.

Sec. 6. Section 144.31B, subsection 5, paragraph b, subparagraph (2), Code 2025, is amended to read as follows:

(2) The name and ~~gender~~ sex, if known. If the name is not furnished by the patient, the department shall complete the certificate with the name "baby boy" or "baby girl" and the last name of the patient. If the ~~gender~~ sex is unknown, the department shall complete the certificate with the name "baby" and the last name of the patient.

Sec. 7. Section 216.2, subsection 12, Code 2025, is amended by striking the subsection.

Sec. 8. Section 216.6, subsection 1, paragraphs a, b, and c, Code 2025, are amended to read as follows:

a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall

not be the basis for exception to the unfair or discriminatory practices prohibited by this subsection.

b. Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability of such applicant or member.

c. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation.

(1) If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by this subsection.

(2) An employer, employment agency, or their employees, servants, or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, ~~gender identity~~, or national origin.

Sec. 9. Section 216.6, subsection 6, paragraph d, Code 2025, is amended to read as follows:

d. Any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion, or sexual orientation, ~~or gender identity~~ when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide

religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.

Sec. 10. Section 216.6A, subsection 1, paragraph a, unnumbered paragraph 1, Code 2025, is amended to read as follows:

The general assembly finds that the practice of discriminating against any employee because of the age, race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees does all of the following:

Sec. 11. Section 216.6A, subsection 1, paragraph b, Code 2025, is amended to read as follows:

b. The general assembly declares that it is the policy of this state to correct and, as rapidly as possible, to eliminate, discriminatory wage practices based on age, race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, and disability.

Sec. 12. Section 216.6A, subsection 2, paragraph a, Code 2025, is amended to read as follows:

a. It shall be an unfair or discriminatory practice for any employer or agent of any employer to discriminate against any employee because of the age, race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees who are employed within the same establishment for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. An employer or agent of an employer who is paying wages to an employee at a rate less than the rate paid to other employees in violation of this section shall not remedy the violation by reducing the wage rate of any employee.

Sec. 13. Section 216.6A, subsection 3, paragraph d, Code 2025, is amended to read as follows:

d. Pay differential is based on any other factor other than the age, race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability of such employee.

Sec. 14. Section 216.7, subsection 1, paragraphs a and b, Code 2025, are amended to read as follows:

a. To refuse or deny to any person because of race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges.

b. To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability is unwelcome, objectionable, not acceptable, or not solicited.

Sec. 15. Section 216.7, subsection 2, paragraph a, Code 2025, is amended to read as follows:

a. Any bona fide religious institution with respect to any qualifications the institution may impose based on religion, or sexual orientation, ~~or gender identity~~ when such qualifications are related to a bona fide religious purpose.

Sec. 16. Section 216.8, subsection 1, paragraphs a, b, c, and d, Code 2025, are amended to read as follows:

a. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, sex, sexual orientation, ~~gender identity~~, religion, national origin, disability, or familial status of such person.

b. To discriminate against any person because of the person's race, color, creed, sex, sexual orientation, ~~gender identity~~, religion, national origin, disability, or familial status, in the terms, conditions, or privileges of the sale, rental, lease assignment, or sublease of any real property or housing accommodation or any part, portion, or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

c. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion, or interest therein,

by persons of any particular race, color, creed, sex, sexual orientation, ~~gender identity~~, religion, national origin, disability, or familial status is unwelcome, objectionable, not acceptable, or not solicited.

d. To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion, or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, sexual orientation, ~~gender identity~~, disability, age, or national origin of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives, or in any similar capacity.

Sec. 17. Section 216.8A, subsections 1, 2, and 5, Code 2025, are amended to read as follows:

1. A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, creed, sex, sexual orientation, ~~gender identity~~, religion, national origin, disability, or familial status.

2. A person shall not represent to a person of a particular race, color, creed, sex, sexual orientation, ~~gender identity~~, religion, national origin, disability, or familial status that a dwelling is not available for inspection, sale, or rental when the dwelling is available for inspection, sale, or rental.

5. A person shall not deny another person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in terms or conditions of access, membership, or participation in such organization because of race, color, creed, sex, sexual orientation, ~~gender identity~~, religion, national origin, disability, or familial status.

Sec. 18. Section 216.8A, subsection 4, paragraph a, Code 2025, is amended to read as follows:

α. A person whose business includes engaging in residential real estate related transactions shall not discriminate against a

person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of race, color, creed, sex, sexual orientation, ~~gender identity~~, religion, national origin, disability, or familial status.

Sec. 19. Section 216.9, subsection 1, unnumbered paragraph 1, Code 2025, is amended to read as follows:

It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

Sec. 20. Section 216.9, subsection 2, Code 2025, is amended to read as follows:

2. For the purpose of this section, "*educational institution*" includes any preschool, elementary or secondary school, community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, or sexual orientation, ~~or gender identity~~ when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

Sec. 21. Section 216.10, subsection 1, paragraphs a, b, and c, Code 2025, are amended to read as follows:

a. Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, ~~gender identity~~, physical disability, or familial status.

b. Person authorized or licensed to do business in this state pursuant to chapter 524, 533, 536, or 536A to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar

economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, ~~gender identity~~, physical disability, or familial status.

c. Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, sexual orientation, ~~gender identity~~, or familial status. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by Title XIII, subtitle 1.

Sec. 22. Section 216.12, subsection 1, paragraph a, Code 2025, is amended to read as follows:

a. Any bona fide religious institution with respect to any qualifications it may impose based on religion, or sexual orientation, ~~or gender identity~~, when the qualifications are related to a bona fide religious purpose, unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.

Sec. 23. Section 216.12A, Code 2025, is amended to read as follows:

216.12A Additional housing exception.

Sections 216.8 and 216.8A do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than race, color, creed, sex, sexual orientation, ~~gender identity~~, religion, national origin, disability, or familial status in appraising real estate.

Sec. 24. Section 256E.7, subsection 2, paragraphs a and p, Code 2025, are amended to read as follows:

a. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, ancestry, or disability. If approved under section 256E.4, the charter school shall be subject to any court-ordered desegregation in effect for the school district at the time the charter school application is approved, unless otherwise specifically provided for in the desegregation order.

p. Be subject to and comply with the requirements of section 279.80 relating to sexual orientation and gender ~~identity theory~~ instruction in kindergarten through grade six in the same manner as a school district.

Sec. 25. Section 256F.4, subsection 2, paragraphs a and n, Code 2025, are amended to read as follows:

a. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, ~~gender identity~~, national origin, religion, ancestry, or disability. A charter school or innovation zone school located within the boundaries of a school district subject to court-ordered desegregation at the time the charter school or innovation zone school application is approved shall be subject to the desegregation order unless otherwise specifically provided for in the desegregation order.

n. Be subject to and comply with the requirements of section 279.80 relating to sexual orientation and gender ~~identity theory~~ instruction in kindergarten through grade six in the same manner as a school district.

Sec. 26. Section 261I.1, subsection 3, Code 2025, is amended to read as follows:

3. ~~"Sex" means a person's biological sex as either female or male~~ the same as defined in section 4.1A. The sex listed on a student's official birth certificate or certificate issued upon adoption ~~may be relied upon~~ shall be considered presumptively correct if the certificate was issued at or near the time of the student's birth.

Sec. 27. Section 279.78, subsection 1, paragraph a, Code 2025, is amended to read as follows:

a. ~~"Gender identity" means the same as defined in section 216.2~~ an individual's subjective identification as male, female, or neither male nor female. Gender identity shall not be considered a synonym or substitute for sex or gender.

Sec. 28. Section 279.80, Code 2025, is amended to read as follows:

279.80 Sexual orientation and gender ~~identity theory~~ — prohibited instruction.

1. As used in this section:

a. ~~"Gender identity"~~ "Gender theory" means the same as

defined in section 216.2 concept that an individual may properly be described in terms of an internal sense of gender that is incongruent with the individual's sex as either male or female. "Gender theory" includes the concept that an individual who experiences distress or discomfort with the individual's sex should identify as and live consistent with the individual's internal sense of gender, and that an individual can delay natural puberty and develop sex characteristics of the opposite sex through the use of puberty blockers, cross-sex hormones, and surgical procedures.

b. "Sexual orientation" means the same as defined in section 216.2.

2. A school district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity theory or sexual orientation to students in kindergarten through grade six.

Sec. 29. Section 280.33, subsection 1, paragraph c, Code 2025, is amended to read as follows:

c. ~~"Sex" means a person's biological sex as female or male,~~ as the same as defined in section 4.1A. The sex listed on a person's official birth certificate or certificate issued upon adoption shall be considered presumptively correct if the certificate was issued at or near the time of the person's birth.

Sec. 30. SEVERABILITY. If any provision of this Act is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable as provided in section 4.12.

AMY SINCLAIR
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 418, Ninety-first General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2025

KIM REYNOLDS
Governor

unofficial