

FEB 26 1988

Place On Calendar

HOUSE FILE 2344

BY COMMITTEE ON HUMAN RESOURCES

(Formerly House Study Bill 524)

Passed House, Date 3/2/88 (p. 551)

Passed Senate, Date 5/30/88 (p. 1161)

Vote: Ayes 67 Nays 25

Vote: Ayes 42 Nays 0

Approved May 12, 1988

*Amended to read as follows (p. 545)*

*Amended to read as follows (p. 1161)*

*Proposed House 4/14/88 (p. 1896)*  
74-21

*Proposed Senate 5/14/88 (p. 1571)*  
11-0

**A BILL FOR**

1 An Act relating to the civil rights of persons with a condition  
 2 relating to acquired immune deficiency syndrome, by  
 3 prohibiting the testing, with respect to the employment of  
 4 persons, for a condition related to acquired immune deficiency  
 5 syndrome, and by making remedial provisions of the civil  
 6 rights law applicable.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
HOUSE FILE 2344

H-5296

1 Amend House File 2344 as follows:

2 1. Page 1, by inserting before line 1, the  
3 following:

4 "Section 1. NEW SECTION. 139.43 EXPOSING TO  
5 HUMAN IMMUNODEFICIENCY VIRUS.

6 Notwithstanding the penalty established in section  
7 139.32, a person who knowingly exposes another to the  
8 human immunodeficiency virus, or knowingly subjects  
9 another to the danger of contracting human  
10 immunodeficiency virus from an irresponsible person,  
11 is guilty of a class "C" felony."

12 2. Title page, line 1, by inserting after the  
13 word "to" the following: "acquired immune deficiency  
14 syndrome by protecting".

15 3. Title page, line 5, by inserting after the  
16 word "syndrome," the following: "by providing a  
17 penalty for knowingly exposing another to the human  
18 immunodeficiency virus,".

19 4. By renumbering as necessary.

H-5296 FILED MARCH 3, 1988 BY TYRRELL of Iowa

*Bill as proposed - 3/2/88 (p. 570)*

1 Section 1. Section 601A.2, subsection 11, Code 1987, is  
2 amended to read as follows:

5933 11. "Disability" means the physical or mental condition of  
4 a person which constitutes a substantial handicap, and the  
5 condition of a person with a positive human immunodeficiency  
6 virus test result which results in a diagnosis of acquired  
7 immune deficiency syndrome, or a diagnosis of acquired immune  
8 deficiency syndrome-related complex, or any other condition  
9 related to acquired immune deficiency syndrome. In reference  
10 to employment, under this chapter, "disability" also means the  
11 physical or mental condition of a person which ~~constitutes a~~  
12 substantial handicap is otherwise defined as a disability  
13 pursuant to this subsection, but is unrelated to such person's  
14 ability to engage in a particular occupation.

15 Sec. 2. Section 601A.6, subsection 1, Code Supplement  
16 1987, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. d. Person to solicit or require as a  
18 condition of employment of any employee or prospective  
19 employee a test for the presence of the antibody to the human  
20 immunodeficiency virus or affect the terms, conditions, or  
21 privileges of employment or terminate the employment of any  
22 employee solely as a result of the employee obtaining a test  
23 for the presence of the antibody to the human immunodeficiency  
24 virus. An agreement between an employer, employment agency,  
25 labor organization, or their employees, agents, or members and  
26 an employee or prospective employee concerning employment,  
27 pay, or benefits to an employee or prospective employee in  
28 return for taking a test for the presence of the antibody to  
29 the human immunodeficiency virus, is prohibited. The  
30 prohibitions of this paragraph do not apply if the state  
31 epidemiologist determines and the director of public health  
32 declares, that a person with a condition related to acquired  
33 immune deficiency syndrome poses a significant risk of  
34 transmission of the human immunodeficiency virus to other  
35 persons in a specific occupation.

EXPLANATION

1  
2 This bill provides that the provisions of the civil rights  
3 act relating to persons with a disability include persons with  
4 a condition related to acquired immune deficiency syndrome.  
5 The bill prohibits the testing of an employee or prospective  
6 employee for the antibody to the human immunodeficiency virus  
7 as a condition of employment or as a basis for the terms,  
8 conditions, or privileges of employment or the termination of  
9 employment. The bill also prohibits an agreement concerning  
10 employment, pay, or benefits to an employee or prospective  
11 employee in exchange for the taking of the test for the  
12 presence of the antibody to the human immunodeficiency virus.  
13 The bill provides that if the director of public health  
14 declares that a person with a condition related to acquired  
15 immune deficiency syndrome poses a significant threat to other  
16 persons in a specific occupation, the prohibitions of the bill  
17 do not apply. The remedial provisions of chapter 601A would  
18 apply.

19 SIMILAR TO SSB 2026 (LSB 7578IS)

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SENATE AMENDMENT TO HOUSE FILE 2344

H-6304

1 Amend House File 2344 as passed by the House as  
2 follows:

3 1. Page 1, by striking lines 9 through 14 and  
4 inserting the following: "related to acquired immune  
5 deficiency syndrome. In reference to employment,  
6 under this chapter, "disability" also means the  
7 physical or mental condition of a person which  
8 constitutes a substantial handicap, but is unrelated  
9 to such person's ability to engage in a particular  
10 occupation."

11 2. Page 1, line 20, by inserting after the words  
12 "virus or" the following: "to".

RECEIVED FROM THE SENATE

H-6304 FILED APRIL 7, 1988

*House amended (6435 + 6463) ✓  
Consensus 4/14 (p. 1845)*

HOUSE FILE 2344

H-6435

1 Amend the Senate amendment, H-6304, to House File  
2 2344, as passed by the House, as follows:

3 1. Page 1, by inserting before line 3 the  
4 following:

5 "\_\_\_\_. Page 1, line 6, by striking the words  
6 "result which results in" and inserting the following:  
7 "result,".

8 \_\_\_\_\_. Page 1, line 7, by striking the word "or"."

9 2. Page 1, line 5, by inserting after the word  
10 "syndrome." the following: "The inclusion of a  
11 condition related to a positive human immunodeficiency  
12 virus test result in the meaning of "disability" under  
13 the provisions of this chapter does not preclude the  
14 application of the provisions of this chapter to  
15 conditions resulting from other contagious or  
16 infectious diseases."

17 3. Page 1, by inserting after line 12 the  
18 following:

19 "\_\_\_\_. Page 1, line 32, by inserting after the  
20 word "declares" the following: "through the utiliza-  
21 tion of guidelines established by the center for  
22 disease control of the United States department of  
23 health and human services"."

By ROSENBERG of Story

H-6435 FILED APRIL 13, 1988

*(Adopted 4/14 (p. 1845))*

HOUSE FILE 2344

H-6463

1 Amend the Senate amendment, H-6304, to House File  
2 2344, as passed by the House, as follows:

3 1. Page 1, by inserting after line 12, the  
4 following:

5 "\_\_\_\_. Title page, line 6, by inserting after the  
6 word "applicable" the words "and amending the  
7 definition of "disability"".

By HAMMOND of Story

H-6463 FILED APRIL 14, 1988

ADOPTED BY UNANIMOUS CONSENT (p. 1845)

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2344

S-6013

- 1 Amend the Senate amendment, H-6304, to House File  
2 2344, as passed by the House, as follows:  
3 1. Page 1, by inserting before line 3 the  
4 following:  
5 "\_\_\_\_. Page 1, line 6, by striking the words  
6 "result which results in" and inserting the following:  
7 "result,".  
8 \_\_\_\_\_. Page 1, line 7, by striking the word "or".  
9 2. Page 1, line 5, by inserting after the word  
10 "syndrome." the following: "The inclusion of a  
11 condition related to a positive human immunodeficiency  
12 virus test result in the meaning of "disability" under  
13 the provisions of this chapter does not preclude the  
14 application of the provisions of this chapter to  
15 conditions resulting from other contagious or  
16 infectious diseases."  
17 3. Page 1, by inserting after line 12 the  
18 following:  
19 "\_\_\_\_. Page 1, line 32, by inserting after the  
20 word "declares" the following: "through the utiliza-  
21 tion of guidelines established by the center for  
22 disease control of the United States department of  
23 health and human services".  
24 4. Title page, line 6, by inserting after the  
25 word "applicable" the words "and amending the  
26 definition of disability".

S-6013

Filed April 14, 1988

ADOPTED

RECEIVED FROM THE HOUSE

*Senate concurred 4/14 (p. 1597)*

HOUSE FILE 2344

S-5435

- 1 Amend House File 2344 as passed by the House as  
2 follows:  
3 1. Page 1, by striking lines 9 through 14 and  
4 inserting the following: "related to acquired immune  
5 deficiency syndrome. In-reference-to-employment,  
6 under-this-chapter, "disability"-also-means-the  
7 physical-or-mental-condition-of-a-person-which  
8 constitutes-a-substantial-handicap, but-is-unrelated  
9 to-such-person's-ability-to-engage-in-a-particular  
10 occupation."  
11 2. Page 1, line 20, by inserting after the words  
12 "virus or" the following: "to".

S-5435

Filed March 17, 1988

*Adopted 3/30 (p. 1160)*

BY COMMITTEE ON HUMAN RESOURCES  
BEVERLY A. HANNON, Chairperson

*Health Care*

**HSB 524**

House Study Bill 524

HUMAN RESOURCES

Human Resources: Hammond, Chair: Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

*Teaford  
Harper  
Mullins  
Hester  
Hermann*

HOUSE FILE 234  
BY (PROPOSED AIDS TASK  
FORCE BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the civil rights of persons with a condition  
2 relating to acquired immune deficiency syndrome, by  
3 prohibiting the testing, with respect to the employment of  
4 persons, for a condition related to acquired immune deficiency  
5 syndrome, and by making remedial provisions of the civil  
6 rights law applicable.

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

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1 Section 1. Section 601A.2, subsection 11, Code Supplement  
2 1987, is amended to read as follows:

3 11. "Disability" means the physical or mental condition of  
4 a person which constitutes a substantial handicap. In  
5 reference to employment, under this chapter, "disability" also  
6 means the physical or mental condition of a person which  
7 constitutes a substantial handicap, but is unrelated to such  
8 person's ability to engage in a particular occupation. For  
9 the purposes of this chapter, "disability" also means the  
10 condition of a person relative to acquired immune deficiency  
11 syndrome including a positive human immunodeficiency virus  
12 test result, a diagnosis of acquired immune deficiency  
13 syndrome, a diagnosis of acquired immune deficiency-related  
14 complex, or any other condition related to acquired immune  
15 deficiency syndrome.

16 Sec. 2. Section 601A.6, subsection 1, Code 1987, is  
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. d. Person to solicit or require as a  
19 condition of employment of any employee or prospective  
20 employee a test for the presence of the antibody to the human  
21 immunodeficiency virus or affect the terms, conditions, or  
22 privileges of employment or terminate the employment of any  
23 employee who obtains a test for the presence of the antibody  
24 to the human immunodeficiency virus. An agreement between an  
25 employer, employment agency, labor organization, or their  
26 employees, agents, or members and an employee or prospective  
27 employee concerning employment, pay, or benefits to an  
28 employee or prospective employee in return for taking a test  
29 for the presence of the antibody to the human immunodeficiency  
30 virus, is prohibited. The prohibitions of this paragraph do  
31 not apply if the state epidemiologist determines and the  
32 director of public health declares, that a person with a  
33 condition related to acquired immune deficiency syndrome poses  
34 a significant risk of transmission of the human  
35 immunodeficiency virus to other persons in a specific

1 occupation.

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EXPLANATION

This bill provides that the provisions of the civil rights act relating to persons with a disability include persons with a condition related to acquired immune deficiency syndrome. The bill prohibits the testing of an employee or prospective employee for the antibody to the human immunodeficiency virus as a condition of employment or as a basis for the terms, conditions, or privileges of employment or the termination of employment. The bill also prohibits an agreement concerning employment, pay, or benefits to an employee or prospective employee in exchange for the taking of the test for the presence of the antibody to the human immunodeficiency virus. The bill provides that if the director of public health declares that a person with a condition related to acquired immune deficiency syndrome poses a significant threat to other persons in a specific occupation, the prohibitions of the bill do not apply. The remedial provisions of chapter 601A would apply.

COMPANION TO LSB 7578IS



HOUSE FILE 2344

AN ACT

RELATING TO THE CIVIL RIGHTS OF PERSONS WITH A CONDITION RELATING TO ACQUIRED IMMUNE DEFICIENCY SYNDROME, BY PROHIBITING THE TESTING, WITH RESPECT TO THE EMPLOYMENT OF PERSONS, FOR A CONDITION RELATED TO ACQUIRED IMMUNE DEFICIENCY SYNDROME, AND BY MAKING REMEDIAL PROVISIONS OF THE CIVIL RIGHTS LAW APPLICABLE AND AMENDING THE DEFINITION OF DISABILITY.

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

Section 1. Section 601A.2, subsection 11, Code 1987, is amended to read as follows:

11. "Disability" means the physical or mental condition of a person which constitutes a substantial handicap, and the

condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases. In reference to employment, under this chapter, "disability" also means the physical or mental condition of a person which constitutes a substantial handicap, but is unrelated to such person's ability to engage in a particular occupation.

Sec. 2. Section 601A.6, subsection 1, Code Supplement 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a

significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2344, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 12, 1988

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TERRY E. BRANSTAD  
Governor