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JUDICIARY

HOUSE FILE

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BY BURNETT, MASCHER, SHOULTZ,  
FALLON, PARMENTER, FORD,  
HOLVECK, DODERER, CHAPMAN,  
and MYERS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act prohibiting discriminatory practices based upon a person's  
2 sexual orientation.

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

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1 Section 1. Section 216.2, Code 1999, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 12A. "Sexual orientation" means actual or  
4 perceived heterosexuality, homosexuality, or bisexuality.  
5 "Sexual orientation" does not include participation in acts  
6 which are prohibited by law.

7 Sec 2. Section 216.5, subsections 6 and 8, Code 1999, are  
8 amended to read as follows:

9 6. To issue such publications and reports of  
10 investigations and research as in the judgment of the  
11 commission shall tend to promote good will among the various  
12 racial, religious, and ethnic groups of the state and which  
13 shall tend to minimize or eliminate discrimination in public  
14 accommodations, employment, apprenticeship and on-the-job  
15 training programs, vocational schools, or housing because of  
16 race, creed, color, sex, sexual orientation, national origin,  
17 religion, ancestry, or disability.

18 8. To make recommendations to the general assembly for  
19 such further legislation concerning discrimination because of  
20 race, creed, color, sex, sexual orientation, national origin,  
21 religion, ancestry, or disability as it may deem necessary and  
22 desirable.

23 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and  
24 c, Code 1999, are amended to read as follows:

25 a. Person to refuse to hire, accept, register, classify,  
26 or refer for employment, to discharge any employee, or to  
27 otherwise discriminate in employment against any applicant for  
28 employment or any employee because of the age, race, creed,  
29 color, sex, sexual orientation, national origin, religion, or  
30 disability of such applicant or employee, unless based upon  
31 the nature of the occupation. If a person with a disability  
32 is qualified to perform a particular occupation, by reason of  
33 training or experience, the nature of that occupation shall  
34 not be the basis for exception to the unfair or discriminating  
35 practices prohibited by this subsection.

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

8 c. Employer, employment agency, labor organization, or the  
9 employees, agents, or members thereof to directly or  
10 indirectly advertise or in any other manner indicate or  
11 publicize that individuals of any particular age, race, creed,  
12 color, sex, sexual orientation, national origin, religion, or  
13 disability are unwelcome, objectionable, not acceptable, or  
14 not solicited for employment or membership unless based on the  
15 nature of the occupation. If a person with a disability is  
16 qualified to perform a particular occupation by reason of  
17 training or experience, the nature of that occupation shall  
18 not be the basis for exception to the unfair or discriminating  
19 practices prohibited by this subsection.

20 An employer, employment agency, or their employees,  
21 servants, or agents may offer employment or advertise for  
22 employment to only persons with disabilities, when other  
23 applicants have available to them other employment compatible  
24 with their ability which would not be available to persons  
25 with disabilities because of their disabilities. Any such  
26 employment or offer of employment shall not discriminate among  
27 persons with disabilities on the basis of race, color, creed,  
28 sex, sexual orientation, or national origin.

29 Sec. 4. Section 216.6, subsection 6, paragraph d, Code  
30 1999, is amended to read as follows:

31 d. Any bona fide religious institution or its educational  
32 facility, association, corporation, or society with respect to  
33 any qualifications for employment based on religion or sexual  
34 orientation when such qualifications are related to a bona  
35 fide religious purpose. A religious qualification for

1 instructional personnel or an administrative officer, serving  
2 in a supervisory capacity of a bona fide religious educational  
3 facility or religious institution, shall be presumed to be a  
4 bona fide occupational qualification.

5 Sec. 5. Section 216.7, subsection 1, paragraphs a and b,  
6 Code 1999, are amended to read as follows:

7 a. To refuse or deny to any person because of race, creed,  
8 color, sex, sexual orientation, national origin, religion, or  
9 disability the accommodations, advantages, facilities,  
10 services, or privileges thereof, or otherwise to discriminate  
11 against any person because of race, creed, color, sex, sexual  
12 orientation, national origin, religion, or disability in the  
13 furnishing of such accommodations, advantages, facilities,  
14 services, or privileges.

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

20 Sec. 6. Section 216.7, subsection 2, paragraph a, Code  
21 1999, is amended to read as follows:

22 a. Any bona fide religious institution with respect to any  
23 qualifications the institution may impose based on religion or  
24 sexual orientation when such qualifications are related to a  
25 bona fide religious purpose.

26 Sec. 7. Section 216.8, subsections 1 through 4, Code 1999,  
27 are amended to read as follows:

28 1. To refuse to sell, rent, lease, assign, sublease,  
29 refuse to negotiate, or to otherwise make unavailable, or deny  
30 any real property or housing accommodation or part, portion or  
31 interest therein, to any person because of the race, color,  
32 creed, sex, sexual orientation, religion, national origin,  
33 disability, or familial status of such person.

34 2. To discriminate against any person because of the  
35 person's race, color, creed, sex, sexual orientation,

1 religion, national origin, disability, or familial status, in  
2 the terms, conditions or privileges of the sale, rental, lease  
3 assignment or sublease of any real property or housing  
4 accommodation or any part, portion or interest in the real  
5 property or housing accommodation or in the provision of  
6 services or facilities in connection with the real property or  
7 housing accommodation.

8 For purposes of this section, "person" means one or more  
9 individuals, corporations, partnerships, associations, labor  
10 organizations, legal representatives, mutual companies, joint  
11 stock companies, trusts, unincorporated organizations,  
12 trustees, trustees in cases under Title 11 of the United  
13 States Code, receivers, and fiduciaries.

14 | 3. To directly or indirectly advertise, or in any other  
15 manner indicate or publicize that the purchase, rental, lease,  
16 assignment, or sublease of any real property or housing  
17 accommodation or any part, portion or interest therein, by  
18 persons of any particular race, color, creed, sex, sexual  
19 orientation, religion, national origin, disability, or  
20 familial status is unwelcome, objectionable, not acceptable or  
21 not solicited.

22 | 4. To discriminate against the lessee or purchaser of any  
23 real property or housing accommodation or part, portion or  
24 interest of the real property or housing accommodation, or  
25 against any prospective lessee or purchaser of the property or  
26 accommodation, because of the race, color, creed, religion,  
27 sex, sexual orientation, disability, age, or national origin  
28 of persons who may from time to time be present in or on the  
29 lessee's or owner's premises for lawful purposes at the  
30 invitation of the lessee or owner as friends, guests,  
31 visitors, relatives or in any similar capacity.

32 Sec. 8. Section 216.8A, subsections 1 and 2, Code 1999,  
33 are amended to read as follows:

34 | 1. A person shall not induce or attempt to induce another  
35 person to sell or rent a dwelling by representations regarding

1 the entry or prospective entry into a neighborhood of a person  
2 of a particular race, color, creed, sex, sexual orientation,  
3 religion, national origin, disability, or familial status.

4 2. A person shall not represent to a person of a  
5 particular race, color, creed, sex, sexual orientation,  
6 religion, national origin, disability, or familial status that  
7 a dwelling is not available for inspection, sale, or rental  
8 when the dwelling is available for inspection, sale, or  
9 rental.

10 Sec. 9. Section 216.8A, subsection 4, paragraph a, Code  
11 1999, is amended to read as follows:

12 a. A person whose business includes engaging in resi-  
13 dential real estate related transactions shall not  
14 discriminate against a person in making a residential real  
15 estate related transaction available or in terms or conditions  
16 of a residential real estate related transaction because of  
17 race, color, creed, sex, sexual orientation, religion,  
18 national origin, disability, or familial status.

19 Sec. 10. Section 216.8A, subsection 5, Code 1999, is  
20 amended to read as follows:

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

30 Sec. 11. Section 216.9, unnumbered paragraph 1, Code 1999,  
31 is amended to read as follows:

32 It is an unfair or discriminatory practice for any  
33 educational institution to discriminate on the basis of race,  
34 creed, color, sex, sexual orientation, national origin,  
35 religion, or disability in any program or activity. Such

1 discriminatory practices shall include but not be limited to  
2 the following practices:

3 | Sec. 12. Section 216.9, subsection 4, unnumbered paragraph  
4 2, Code 1999, is amended to read as follows:

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

17 | Sec. 13. Section 216.10, Code 1999, is amended to read as  
18 follows:

19 | 216.10 UNFAIR CREDIT PRACTICES.

20 | It shall be an unfair or discriminatory practice for any:

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

28 | 2. Person authorized or licensed to do business in this  
29 state pursuant to chapter 524, 533, 534, 536, or 536A to  
30 refuse to loan or extend credit or to impose terms or  
31 conditions more onerous than those regularly extended to  
32 persons of similar economic backgrounds because of age, color,  
33 creed, national origin, race, religion, marital status, sex,  
34 sexual orientation, physical disability, or familial status.

35 | 3. Creditor to refuse to offer credit life or health and

1 accident insurance because of color, creed, national origin,  
2 race, religion, marital status, age, physical disability, sex,  
3 sexual orientation, or familial status. Refusal by a creditor  
4 to offer credit life or health and accident insurance based  
5 upon the age or physical disability of the consumer shall not  
6 be an unfair or discriminatory practice if such denial is  
7 based solely upon bona fide underwriting considerations not  
8 prohibited by title XIII, subtitle 1.

9 The provisions of this section shall not be construed by  
10 negative implication or otherwise to narrow or restrict any  
11 other provisions of this chapter.

12 Sec. 14. Section 216.12, subsection 1, Code 1999, is  
13 amended to read as follows:

14 1. Any bona fide religious institution with respect to any  
15 qualifications it may impose based on religion or sexual  
16 orientation, when the qualifications are related to a bona  
17 fide religious purpose unless the religious institution owns  
18 or operates property for a commercial purpose or membership in  
19 the religion is restricted on account of race, color, or  
20 national origin.

21 Sec. 15. Section 216.12A, Code 1999, is amended to read as  
22 follows:

23 216.12A ADDITIONAL HOUSING EXCEPTION.

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

29 EXPLANATION

30 This bill defines sexual orientation and prohibits  
31 discriminatory employment, public accommodation, housing,  
32 education, and credit practices based upon a person's sexual  
33 orientation. However, the bill does allow for the imposition  
34 of qualifications by bona fide religious institutions based  
35 upon sexual orientation if related to a bona fide religious



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