

# House File 603 - Introduced

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

## A BILL FOR

1 An Act concerning discrimination based upon a person's sexual  
2 orientation or gender identity under the Iowa civil rights  
3 Act.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2200HH 82  
6 rh/cf/24

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1 1 Section 1. Section 216.2, Code 2007, is amended by adding  
1 2 the following new subsections:  
1 3 NEW SUBSECTION. 9A. "Gender identity" means a  
1 4 gender-related identity, appearance, expression, or behavior  
1 5 of a person, regardless of the person's assigned sex at birth.  
1 6 NEW SUBSECTION. 12A. "Sexual orientation" means actual or  
1 7 perceived heterosexuality, homosexuality, or bisexuality.  
1 8 Sec. 2. Section 216.5, subsections 6 and 8, Code 2007, are  
1 9 amended to read as follows:  
1 10 6. To issue such publications and reports of  
1 11 investigations and research as in the judgment of the  
1 12 commission shall tend to promote goodwill among the various  
1 13 racial, religious, and ethnic groups of the state and which  
1 14 shall tend to minimize or eliminate discrimination in public  
1 15 accommodations, employment, apprenticeship and on-the-job  
1 16 training programs, vocational schools, or housing because of  
1 17 race, creed, color, sex, sexual orientation, gender identity,  
1 18 national origin, religion, ancestry, or disability.  
1 19 8. To make recommendations to the general assembly for  
1 20 such further legislation concerning discrimination because of  
1 21 race, creed, color, sex, sexual orientation, gender identity,  
1 22 national origin, religion, ancestry, or disability as it may  
1 23 deem necessary and desirable.  
1 24 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and  
1 25 c, Code 2007, are amended to read as follows:  
1 26 a. Person to refuse to hire, accept, register, classify,  
1 27 or refer for employment, to discharge any employee, or to  
1 28 otherwise discriminate in employment against any applicant for  
1 29 employment or any employee because of the age, race, creed,  
1 30 color, sex, sexual orientation, gender identity, national  
1 31 origin, religion, or disability of such applicant or employee,  
1 32 unless based upon the nature of the occupation. If a person  
1 33 with a disability is qualified to perform a particular  
1 34 occupation, by reason of training or experience, the nature of  
1 35 that occupation shall not be the basis for exception to the  
2 1 unfair or discriminating practices prohibited by this  
2 2 subsection.  
2 3 b. Labor organization or the employees, agents, or members  
2 4 thereof to refuse to admit to membership any applicant, to  
2 5 expel any member, or to otherwise discriminate against any  
2 6 applicant for membership or any member in the privileges,  
2 7 rights, or benefits of such membership because of the age,  
2 8 race, creed, color, sex, sexual orientation, gender identity,  
2 9 national origin, religion, or disability of such applicant or  
2 10 member.  
2 11 c. Employer, employment agency, labor organization, or the  
2 12 employees, agents, or members thereof to directly or  
2 13 indirectly advertise or in any other manner indicate or  
2 14 publicize that individuals of any particular age, race, creed,  
2 15 color, sex, sexual orientation, gender identity, national

2 16 origin, religion, or disability are unwelcome, objectionable,  
2 17 not acceptable, or not solicited for employment or membership  
2 18 unless based on the nature of the occupation. If a person  
2 19 with a disability is qualified to perform a particular  
2 20 occupation by reason of training or experience, the nature of  
2 21 that occupation shall not be the basis for exception to the  
2 22 unfair or discriminating practices prohibited by this  
2 23 subsection.

2 24 An employer, employment agency, or their employees,  
2 25 servants, or agents may offer employment or advertise for  
2 26 employment to only persons with disabilities, when other  
2 27 applicants have available to them other employment compatible  
2 28 with their ability which would not be available to persons  
2 29 with disabilities because of their disabilities. Any such  
2 30 employment or offer of employment shall not discriminate among  
2 31 persons with disabilities on the basis of race, color, creed,  
2 32 sex, sexual orientation, gender identity, or national origin.

2 33 Sec. 4. Section 216.6, subsection 6, paragraph d, Code  
2 34 2007, is amended to read as follows:

2 35 d. Any bona fide religious institution or its educational  
3 1 facility, association, corporation, or society with respect to  
3 2 any qualifications for employment based on religion, sexual  
3 3 orientation, or gender identity when such qualifications are  
3 4 related to a bona fide religious purpose. A religious  
3 5 qualification for instructional personnel or an administrative  
3 6 officer, serving in a supervisory capacity of a bona fide  
3 7 religious educational facility or religious institution, shall  
3 8 be presumed to be a bona fide occupational qualification.

3 9 Sec. 5. Section 216.7, subsection 1, paragraphs a and b,  
3 10 Code 2007, are amended to read as follows:

3 11 a. To refuse or deny to any person because of race, creed,  
3 12 color, sex, sexual orientation, gender identity, national  
3 13 origin, religion, or disability the accommodations,  
3 14 advantages, facilities, services, or privileges thereof, or  
3 15 otherwise to discriminate against any person because of race,  
3 16 creed, color, sex, sexual orientation, gender identity,  
3 17 national origin, religion, or disability in the furnishing of  
3 18 such accommodations, advantages, facilities, services, or  
3 19 privileges.

3 20 b. To directly or indirectly advertise or in any other  
3 21 manner indicate or publicize that the patronage of persons of  
3 22 any particular race, creed, color, sex, sexual orientation,  
3 23 gender identity, national origin, religion, or disability is  
3 24 unwelcome, objectionable, not acceptable, or not solicited.

3 25 Sec. 6. Section 216.7, subsection 2, paragraph a, Code  
3 26 2007, is amended to read as follows:

3 27 a. Any bona fide religious institution with respect to any  
3 28 qualifications the institution may impose based on religion,  
3 29 sexual orientation, or gender identity when such  
3 30 qualifications are related to a bona fide religious purpose.

3 31 Sec. 7. Section 216.8, subsections 1 through 4, Code 2007,  
3 32 are amended to read as follows:

3 33 1. To refuse to sell, rent, lease, assign, sublease,  
3 34 refuse to negotiate, or to otherwise make unavailable, or deny  
3 35 any real property or housing accommodation or part, portion,  
4 1 or interest therein, to any person because of the race, color,  
4 2 creed, sex, sexual orientation, gender identity, religion,  
4 3 national origin, disability, or familial status of such  
4 4 person.

4 5 2. To discriminate against any person because of the  
4 6 person's race, color, creed, sex, sexual orientation, gender  
4 7 identity, religion, national origin, disability, or familial  
4 8 status, in the terms, conditions, or privileges of the sale,  
4 9 rental, lease assignment, or sublease of any real property or  
4 10 housing accommodation or any part, portion, or interest in the  
4 11 real property or housing accommodation or in the provision of  
4 12 services or facilities in connection with the real property or  
4 13 housing accommodation.

4 14 For purposes of this section, "person" means one or more  
4 15 individuals, corporations, partnerships, associations, labor  
4 16 organizations, legal representatives, mutual companies, joint  
4 17 stock companies, trusts, unincorporated organizations,  
4 18 trustees, trustees in cases under Title 11 of the United  
4 19 States Code, receivers, and fiduciaries.

4 20 3. To directly or indirectly advertise, or in any other  
4 21 manner indicate or publicize that the purchase, rental, lease,  
4 22 assignment, or sublease of any real property or housing  
4 23 accommodation or any part, portion, or interest therein, by  
4 24 persons of any particular race, color, creed, sex, sexual  
4 25 orientation, gender identity, religion, national origin,  
4 26 disability, or familial status is unwelcome, objectionable,

4 27 not acceptable, or not solicited.  
4 28 4. To discriminate against the lessee or purchaser of any  
4 29 real property or housing accommodation or part, portion, or  
4 30 interest of the real property or housing accommodation, or  
4 31 against any prospective lessee or purchaser of the property or  
4 32 accommodation, because of the race, color, creed, religion,  
4 33 sex, sexual orientation, gender identity, disability, age, or  
4 34 national origin of persons who may from time to time be  
4 35 present in or on the lessee's or owner's premises for lawful  
5 1 purposes at the invitation of the lessee or owner as friends,  
5 2 guests, visitors, relatives, or in any similar capacity.

5 3 Sec. 8. Section 216.8A, subsections 1 and 2, Code 2007,  
5 4 are amended to read as follows:

5 5 1. A person shall not induce or attempt to induce another  
5 6 person to sell or rent a dwelling by representations regarding  
5 7 the entry or prospective entry into a neighborhood of a person  
5 8 of a particular race, color, creed, sex, sexual orientation,  
5 9 gender identity, religion, national origin, disability, or

5 10 familial status.

5 11 2. A person shall not represent to a person of a  
5 12 particular race, color, creed, sex, sexual orientation, gender  
5 13 identity, religion, national origin, disability, or familial  
5 14 status that a dwelling is not available for inspection, sale,  
5 15 or rental when the dwelling is available for inspection, sale,  
5 16 or rental.

5 17 Sec. 9. Section 216.8A, subsection 4, paragraph a, Code  
5 18 2007, is amended to read as follows:

5 19 a. A person whose business includes engaging in  
5 20 residential real estate related transactions shall not  
5 21 discriminate against a person in making a residential real  
5 22 estate related transaction available or in terms or conditions  
5 23 of a residential real estate related transaction because of  
5 24 race, color, creed, sex, sexual orientation, gender identity,  
5 25 religion, national origin, disability, or familial status.

5 26 Sec. 10. Section 216.8A, subsection 5, Code 2007, is  
5 27 amended to read as follows:

5 28 5. A person shall not deny another person access to, or  
5 29 membership or participation in, a multiple-listing service,  
5 30 real estate brokers' organization or other service,  
5 31 organization, or facility relating to the business of selling  
5 32 or renting dwellings, or discriminate against a person in  
5 33 terms or conditions of access, membership, or participation in  
5 34 such organization because of race, color, creed, sex, sexual  
5 35 orientation, gender identity, religion, national origin,

6 1 disability, or familial status.

6 2 Sec. 11. Section 216.9, unnumbered paragraph 1, Code 2007,  
6 3 is amended to read as follows:

6 4 It is an unfair or discriminatory practice for any  
6 5 educational institution to discriminate on the basis of race,  
6 6 creed, color, sex, sexual orientation, gender identity,  
6 7 national origin, religion, or disability in any program or  
6 8 activity. Such discriminatory practices shall include but not  
6 9 be limited to the following practices:

6 10 Sec. 12. Section 216.9, unnumbered paragraph 2, Code 2007,  
6 11 is amended to read as follows:

6 12 For the purpose of this section, "educational institution"  
6 13 includes any preschool, elementary, secondary, or community  
6 14 college, area education agency, or postsecondary college or  
6 15 university and their governing boards. This section does not  
6 16 prohibit an educational institution from maintaining separate  
6 17 toilet facilities, locker rooms, or living facilities for the  
6 18 different sexes so long as comparable facilities are provided.  
6 19 Nothing in this section shall be construed as prohibiting any  
6 20 bona fide religious institution from imposing qualifications  
6 21 based on religion, sexual orientation, or gender identity when  
6 22 such qualifications are related to a bona fide religious  
6 23 purpose or any institution from admitting students of only one  
6 24 sex.

6 25 Sec. 13. Section 216.10, Code 2007, is amended to read as  
6 26 follows:

6 27 216.10 UNFAIR CREDIT PRACTICES.

6 28 It shall be an unfair or discriminatory practice for any:

6 29 1. Creditor to refuse to enter into a consumer credit  
6 30 transaction or impose finance charges or other terms or  
6 31 conditions more onerous than those regularly extended by that  
6 32 creditor to consumers of similar economic backgrounds because  
6 33 of age, color, creed, national origin, race, religion, marital  
6 34 status, sex, sexual orientation, gender identity, physical  
6 35 disability, or familial status.

7 1 2. Person authorized or licensed to do business in this  
7 2 state pursuant to chapter 524, 533, 534, 536, or 536A to

7 3 refuse to loan or extend credit or to impose terms or  
7 4 conditions more onerous than those regularly extended to  
7 5 persons of similar economic backgrounds because of age, color,  
7 6 creed, national origin, race, religion, marital status, sex,  
7 7 sexual orientation, gender identity, physical disability, or  
7 8 familial status.

7 9 3. Creditor to refuse to offer credit life or health and  
7 10 accident insurance because of color, creed, national origin,  
7 11 race, religion, marital status, age, physical disability, sex,  
7 12 sexual orientation, gender identity, or familial status.

7 13 Refusal by a creditor to offer credit life or health and  
7 14 accident insurance based upon the age or physical disability  
7 15 of the consumer shall not be an unfair or discriminatory  
7 16 practice if such denial is based solely upon bona fide  
7 17 underwriting considerations not prohibited by title XIII,  
7 18 subtitle 1.

7 19 The provisions of this section shall not be construed by  
7 20 negative implication or otherwise to narrow or restrict any  
7 21 other provisions of this chapter.

7 22 Sec. 14. Section 216.12, subsection 1, Code 2007, is  
7 23 amended to read as follows:

7 24 1. Any bona fide religious institution with respect to any  
7 25 qualifications it may impose based on religion, sexual  
7 26 orientation, or gender identity, when the qualifications are  
7 27 related to a bona fide religious purpose unless the religious  
7 28 institution owns or operates property for a commercial purpose  
7 29 or membership in the religion is restricted on account of  
7 30 race, color, or national origin.

7 31 Sec. 15. Section 216.12A, Code 2007, is amended to read as  
7 32 follows:

7 33 216.12A ADDITIONAL HOUSING EXCEPTION.

7 34 Sections 216.8 and 216.8A do not prohibit a person engaged  
7 35 in the business of furnishing appraisals of real estate from  
8 1 taking into consideration factors other than race, color,  
8 2 creed, sex, sexual orientation, gender identity, religion,  
8 3 national origin, disability, or familial status in appraising  
8 4 real estate.

8 5 EXPLANATION

8 6 This bill defines "sexual orientation" and "gender  
8 7 identity" and prohibits discriminatory employment, public  
8 8 accommodation, housing, education, and credit practices based  
8 9 upon a person's sexual orientation or gender identity.  
8 10 However, the bill does allow for the imposition of  
8 11 qualifications by bona fide religious institutions based upon  
8 12 sexual orientation or gender identity if related to a bona  
8 13 fide religious purpose.

8 14 LSB 2200HH 82

8 15 rh:rj/cf/24