HOUSE FILE 2164
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A BILL FOR

1 An Act relating to unfair practices involving access to areas
2 of public accommodations or educational institutions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 216.7, subsection 2, paragraph a, Code 2018, is amended to read as follows:

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

Sec. 2. Section 216.7, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. An action to refuse or deny access to a toilet facility, locker room, living facility, or other area of a public accommodation designated for use by persons of one sex to a person of the other sex.

Sec. 3. Section 216.9, subsection 2, Code 2018, 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. This section does not require an educational institution to allow access to toilet facilities, locker rooms, or living facilities designated for use by persons of one sex to a person of the other sex and does not allow the commission to pursue administrative or legal action against an educational institution that does not provide those rooms or facilities. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, 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.

EXPLANATION

The inclusion of this explanation does not constitute agreement with...
the explanation's substance by the members of the general assembly.

This bill amends the Iowa civil rights Act of 1965 contained in Code chapter 216. Code sections 216.7 and 216.9 relate to unfair practices regarding access to public accommodations and educational institutions. Current law allows a bona fide religious institution to impose qualifications for access to such accommodations and educational institutions when such qualifications are related to a bona fide religious purpose. The bill removes the requirement that the qualifications be related to a bona fide religious purpose.

The bill excludes an action to refuse or deny access to a toilet facility, locker room, living facility, or other area of a public accommodation designated for use by persons of one sex to a person of the other sex from the activities which constitute unfair or discriminatory practices by a public accommodation under Code chapter 216.

The bill also provides that an educational institution is not required to allow access to toilet facilities, locker rooms, or living facilities designated for use by persons of one sex to a person of the other sex and provides that the civil rights commission may not pursue administrative or legal action against an educational institution that does not provide those rooms or facilities.