

House File 2164 - Introduced

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:

1 Section 1. Section 216.7, subsection 2, paragraph a, Code
2 2018, is amended to read as follows:

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

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

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

13 Sec. 3. Section 216.9, subsection 2, Code 2018, is amended
14 to read as follows:

15 2. For the purpose of [this section](#), "*educational*
16 *institution*" includes any preschool, elementary or secondary
17 school, community college, area education agency, or
18 postsecondary college or university and their governing boards.
19 This section does not prohibit an educational institution
20 from maintaining separate toilet facilities, locker rooms,
21 or living facilities for the different sexes so long as
22 comparable facilities are provided. This section does not
23 require an educational institution to allow access to toilet
24 facilities, locker rooms, or living facilities designated for
25 use by persons of one sex to a person of the other sex and
26 does not allow the commission to pursue administrative or
27 legal action against an educational institution that does not
28 provide those rooms or facilities. Nothing in [this section](#)
29 shall be construed as prohibiting any bona fide religious
30 institution from imposing qualifications based on religion,
31 sexual orientation, or gender identity ~~when such qualifications~~
32 ~~are related to a bona fide religious purpose~~ or any institution
33 from admitting students of only one sex.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

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

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

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