

House File 493 - Introduced

HOUSE FILE 493

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A BILL FOR

1 An Act relating to unfair or discriminatory employment
2 practices based upon issues relating to reproductive health,
3 and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.2, subsection 15, Code 2017, is
2 amended to read as follows:

3 15. *“Unfair practice”* or *“discriminatory practice”* means
4 those practices specified as unfair or discriminatory in
5 sections 216.6, [216.6A](#), [216.6B](#), [216.7](#), [216.8](#), [216.8A](#), [216.9](#),
6 [216.10](#), [216.11](#), and [216.11A](#).

7 Sec. 2. NEW SECTION. **216.6B Additional unfair or**
8 **discriminatory employment practices — reproductive health.**

9 1. It shall be an unfair or discriminatory practice for any
10 employer to do any of the following:

11 a. Take any adverse employment action against an employee
12 based on the use of any drug, device, or medical service
13 related to reproductive health by the employee or the
14 employee’s spouse or dependent.

15 b. Require an employee to sign a waiver or other document
16 which purports to deny an employee, or an employee’s spouse or
17 dependents, the right to make the employee’s or the employee’s
18 spouse or dependents own reproductive health care decisions,
19 including whether to use any particular drug, device, or
20 medical service.

21 c. Take any adverse employment action in retaliation
22 against an employee for asserting rights or remedies under this
23 section.

24 2. An employer who provides an employee handbook to the
25 employer’s employees shall include in the handbook notice of
26 the employee’s rights and remedies under this section.

27 3. For purposes of this section, *“adverse employment action”*
28 means termination, demotion or refusal to promote or advance,
29 loss of career specialty, reassignment to a different shift,
30 reduction of wages or benefits, refusal to provide training
31 opportunities or transfer to a different department, adverse
32 administrative action, or any other penalty or disciplinary or
33 retaliatory action.

34 4. This section shall not apply to any of the following:

35 a. Any bona fide religious institution with respect to any

1 qualifications the institution may impose based on religion,
2 sexual orientation, or gender identity when such qualifications
3 are related to a bona fide religious purpose.

4 *b.* Any employer who regularly employs less than four
5 individuals. For purposes of this paragraph, individuals who
6 are members of the employer's family shall not be counted as
7 employees.

8 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
9 immediate importance, takes effect upon enactment.

10

EXPLANATION

11

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

12

13 This bill relates to unfair or discriminatory employment
14 practices based upon reproductive health decisions.

15 The bill specifies that it is an unfair or discriminatory
16 practice for any employer to do any of the following:

17 1. Take any adverse employment action against an employee
18 based on the use of any drug, device, or medical service
19 related to reproductive health by the employee or the
20 employee's spouse or dependent;

21 2. Require an employee to sign a waiver or other document
22 which purports to deny an employee, or an employee's spouse or
23 dependents, the right to make the employee's or the employee's
24 spouse or dependents own reproductive health care decisions,
25 including whether to use any particular drug, device, or
26 medical service; or

27 3. Take any adverse employment action in retaliation
28 against an employee for asserting rights or remedies under the
29 bill.

30 The bill requires an employer who provides an employee
31 handbook to the employer's employees to include in the handbook
32 notice of the employee's rights and remedies under the bill.

33 The bill defines "adverse employment action" for the
34 purposes of the bill; and provides that the bill does not apply
35 to any bona fide religious institution with respect to any

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1 qualifications the institution may impose based on religion,
2 sexual orientation, or gender identity when such qualifications
3 are related to a bona fide religious purpose or to any employer
4 who regularly employs less than four individuals.

5 The bill takes effect upon enactment.