A BILL FOR

1 An Act relating to the Iowa civil rights Act and discrimination
2 based upon a person’s political beliefs or immunization
3 status, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 216.5, subsections 6 and 8, Code 2022, are amended to read as follows:

6. To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote goodwill among the various racial, religious, and ethnic groups of the state and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools, career and technical education programs, or housing because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, political belief, immunization status, or disability.

8. To make recommendations to the general assembly for such further legislation concerning discrimination because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, political belief, immunization status, or disability as it may deem necessary and desirable.

Sec. 2. Section 216.6, subsection 1, paragraphs a, b, and c, Code 2022, are amended to read as follows:

a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, political belief, immunization status, or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by this subsection.

b. Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any
1 applicant for membership or any member in the privileges, 
2 rights, or benefits of such membership because of the age, 
3 race, creed, color, sex, sexual orientation, gender identity, 
4 national origin, religion, political belief, immunization 
5 status, or disability of such applicant or member. 
6 c. Employer, employment agency, labor organization, or the 
7 employees, agents, or members thereof to directly or indirectly 
8 advertise or in any other manner indicate or publicize that 
9 individuals of any particular age, race, creed, color, sex, 
10 sexual orientation, gender identity, national origin, religion, 
11 political belief, immunization status, or disability are 
12 unwelcome, objectionable, not acceptable, or not solicited for 
13 employment or membership unless based on the nature of the 
14 occupation. 
15 (1) If a person with a disability is qualified to perform a 
16 particular occupation by reason of training or experience, the 
17 nature of that occupation shall not be the basis for exception 
18 to the unfair or discriminatory practices prohibited by this 
19 subsection. 
20 (2) 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, gender identity, political belief, 
29 immunization status, or national origin. 
30 Sec. 3. Section 216.6, subsection 6, paragraph d, Code 2022, 
31 is amended to read as follows: 
32 d. Any bona fide religious institution or its educational 
33 facility, association, corporation, or society with respect 
34 to any qualifications for employment based on religion, 
35 sexual orientation, political belief, immunization status,
or gender identity when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.

Sec. 4. Section 216.6A, Code 2022, is amended to read as follows:

216.6A Additional unfair or discriminatory practice — wage discrimination in employment.

1. a. The general assembly finds that the practice of discriminating against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, political belief, immunization status, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees does all of the following:

   (1) Unjustly discriminates against the person receiving the lesser rate.
   (2) Leads to low employee morale, high turnover, and frequent labor unrest.
   (3) Discourages employees paid at lesser wage rates from training for higher level jobs.
   (4) Curtails employment opportunities, decreases employees' mobility, and increases labor costs.
   (5) Impairs purchasing power and threatens the maintenance of an adequate standard of living by such employees and their families.
   (6) Prevents optimum utilization of the state's available labor resources.
   (7) Threatens the well-being of citizens of this state and adversely affects the general welfare.

b. The general assembly declares that it is the policy of this state to correct and, as rapidly as possible, to eliminate, discriminatory wage practices based on age, race,
1 creed, color, sex, sexual orientation, gender identity, 
2 national origin, religion, political belief, immunization 
3 status, and disability. 
4 2. a. It shall be an unfair or discriminatory practice for 
5 any employer or agent of any employer to discriminate against 
6 any employee because of the age, race, creed, color, sex, 
7 sexual orientation, gender identity, national origin, religion, 
8 political belief, immunization status, or disability of such 
9 employee by paying wages to such employee at a rate less than 
10 the rate paid to other employees who are employed within the 
11 same establishment for equal work on jobs, the performance 
12 of which requires equal skill, effort, and responsibility, 
13 and which are performed under similar working conditions. An 
14 employer or agent of an employer who is paying wages to an 
15 employee at a rate less than the rate paid to other employees 
16 in violation of this section shall not remedy the violation by 
17 reducing the wage rate of any employee. 
18 b. For purposes of this subsection, an unfair or 
19 discriminatory practice occurs when a discriminatory pay 
20 decision or other practice is adopted, when an individual 
21 becomes subject to a discriminatory pay decision or other 
22 practice, or when an individual is affected by application of a 
23 discriminatory pay decision or other practice, including each 
24 time wages, benefits, or other compensation is paid, resulting 
25 in whole or in part from such a decision or other practice. 
26 3. It shall be an affirmative defense to a claim arising 
27 under this section if any of the following applies: 
28 a. Payment of wages is made pursuant to a seniority system. 
29 b. Payment of wages is made pursuant to a merit system. 
30 c. Payment of wages is made pursuant to a system which 
31 measures earnings by quantity or quality of production. 
32 d. Pay differential is based on any other factor other 
33 than the age, race, creed, color, sex, sexual orientation, 
34 gender identity, national origin, religion, political belief, 
35 immunization status, or disability of such employee.
4. This section shall not apply to any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer’s family shall not be counted as employees.

Sec. 5. Section 216.7, subsection 1, paragraphs a and b, Code 2022, are amended to read as follows:

a. To refuse or deny to any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, political belief, immunization status, or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges.

b. To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, sexual orientation, gender identity, national origin, religion, political belief, immunization status, or disability is unwelcome, objectionable, not acceptable, or not solicited.

Sec. 6. Section 216.7, subsection 2, paragraph a, Code 2022, 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, political belief, immunization status, or gender identity when such qualifications are related to a bona fide religious purpose.

Sec. 7. Section 216.8, subsection 1, paragraphs a, b, c, and d, Code 2022, are amended to read as follows:

a. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, sex, sexual orientation, gender identity, religion,
1 national origin, disability, political belief, immunization
2 status, or familial status of such person.
3  b. To discriminate against any person because of the
4 person's race, color, creed, sex, sexual orientation, gender
5 identity, religion, national origin, disability, political
6 belief, immunization status, or familial status, in the
7 terms, conditions, or privileges of the sale, rental, lease
8 assignment, or sublease of any real property or housing
9 accommodation or any part, portion, or interest in the real
10 property or housing accommodation or in the provision of
11 services or facilities in connection with the real property or
12 housing accommodation.
13  c. To directly or indirectly advertise, or in any other
14 manner indicate or publicize that the purchase, rental,
15 lease, assignment, or sublease of any real property or housing
16 accommodation or any part, portion, or interest therein, by
17 persons of any particular race, color, creed, sex, sexual
18 orientation, gender identity, religion, national origin,
19 disability, political belief, immunization status, or familial
20 status is unwelcome, objectionable, not acceptable, or not
21 solicited.
22  d. 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, gender identity, disability, age,
28 political belief, immunization status, or national origin
29 of persons who may from time to time be present in or on
30 the lessee's or owner's premises for lawful purposes at the
31 invitation of the lessee or owner as friends, guests, visitors,
32 relatives, or in any similar capacity.
33  Sec. 8. Section 216.8A, subsections 1 and 2, Code 2022, are
34 amended to read as follows:
35  1. A person shall not induce or attempt to induce another

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person to sell or rent a dwelling by representations regarding
the entry or prospective entry into a neighborhood of a person
of a particular race, color, creed, sex, sexual orientation,
gender identity, religion, national origin, disability,
political belief, immunization status, or familial status.

2. A person shall not represent to a person of a particular
race, color, creed, sex, sexual orientation, gender identity,
religion, national origin, disability, political belief,
immunization status, or familial status that a dwelling is not
available for inspection, sale, or rental when the dwelling is
available for inspection, sale, or rental.

Sec. 9. Section 216.8A, subsection 4, paragraph a, Code
2022, is amended to read as follows:

a. A person whose business includes engaging in residential
real estate related transactions shall not discriminate
against a person in making a residential real estate
related transaction available or in terms or conditions of
a residential real estate related transaction because of
race, color, creed, sex, sexual orientation, gender identity,
religion, national origin, disability, political belief,
immunization status, or familial status.

Sec. 10. Section 216.8A, subsection 5, Code 2022, is amended
to read as follows:

5. A person shall not deny another person access to,
or membership or participation in, a multiple-listing
service, real estate brokers' organization or other service,
organization, or facility relating to the business of selling
or renting dwellings, or discriminate against a person in
terms or conditions of access, membership, or participation in
such organization because of race, color, creed, sex, sexual
orientation, gender identity, religion, national origin,
disability, political belief, immunization status, or familial
status.

Sec. 11. Section 216.9, subsection 1, unnumbered paragraph
1, Code 2022, is amended to read as follows:
It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, political belief, immunization status, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

Sec. 12. Section 216.10, subsection 1, paragraphs a, b, and c, Code 2022, are amended to read as follows:

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

b. Person authorized or licensed to do business in this state pursuant to chapter 524, 533, 536, or 536A to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical disability, political belief, immunization status, or familial status.

c. Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, sexual orientation, gender identity, political belief, immunization status, or familial status. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by Title XIII, subtitle 1.
Sec. 13. Section 216.12, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. Any bona fide religious institution with respect to any qualifications it may impose based on religion, sexual orientation, political belief, immunization status, or gender identity, when the qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.

Sec. 14. Section 216.12A, Code 2022, is amended to read as follows:

216.12A Additional housing exception.

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

Sec. 15. Section 256.27, subsection 1, Code 2022, is amended to read as follows:

1. The department shall provide for the operation of an online state job posting system. The system shall be designed and implemented for the online posting of job openings offered by school districts, charter schools, area education agencies, the department, and accredited nonpublic schools. The system shall be accessible via the department’s internet site. The system shall include a mechanism for the electronic submission of job openings for posting on the system as provided in subsection 2. The system and each job posting on the system shall include a statement that an employer submitting a job opening for posting on the system will not discriminate in hiring on the basis of race, ethnicity, national origin, gender, age, physical disability, sexual orientation, gender identity, religion, marital status, political belief,
immunization status, or status as a veteran. The department may contract for, or partner with another entity for, the use of an existing internet site to operate the online state job posting system if the existing internet site is more effective and economical than the department's internet site.

Sec. 16. Section 256E.7, subsection 2, paragraph a, Code 2022, is amended to read as follows:

1. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, political belief, immunization status, or disability. If approved under section 256E.4, the charter school shall be subject to any court-ordered desegregation in effect for the school district at the time the charter school application is approved, unless otherwise specifically provided for in the desegregation order.

Sec. 17. Section 256F.4, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, political belief, immunization status, or disability. A charter school or innovation zone school located within the boundaries of a school district subject to court-ordered desegregation at the time the charter school or innovation zone school application is approved shall be subject to the desegregation order unless otherwise specifically provided for in the desegregation order.

Sec. 18. Section 261A.4, subsection 12, paragraph d, Code 2022, is amended to read as follows:

d. Does not discriminate in the admission of students on the basis of age, race, creed, color, sex, national origin, religion, political belief, immunization status, or disability.

Sec. 19. Section 280.3, subsection 2, Code 2022, is amended to read as follows:
2. The minimum educational program shall be the curriculum set forth in section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status, political belief, immunization status, or place of national origin.

Sec. 20. Section 280.28, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. "Trait or characteristic of the student" includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference or belief, political belief, socioeconomic status, immunization status, or familial status.

Sec. 21. Section 341A.18, subsection 1, Code 2022, is amended to read as follows:

1. A person shall not be appointed or promoted to, or demoted or discharged from, any position subject to civil service, or in any way favored or discriminated against with respect to employment in the sheriff’s office because of the person’s political or religious opinions or affiliations or race or national origin or sex, or age, or immunization status.

Sec. 22. Section 523H.5, subsection 8, Code 2022, is amended to read as follows:

8. A franchisor shall not discriminate against a proposed transferee of a franchise on the basis of race, color, national origin, religion, sex, political belief, immunization status, or disability.

Sec. 23. Section 602.1401, subsection 1, Code 2022, is amended to read as follows:

1. The supreme court shall establish, and may amend, a personnel system and a pay and benefits plan for court employees. The personnel system shall include a designation by position title, classification, and function of each
position or class of positions within the judicial branch. Reasonable efforts shall be made to accommodate the individual staffing and management practices of the respective clerks of the district court. The personnel system, in the employment of court employees, shall not discriminate on the basis of race, creed, color, sex, national origin, religion, physical disability, immunization status, or political party preference or belief. The supreme court, in establishing the personnel system, shall implement the comparable worth directives issued by the state court administrator under section 602.1204, subsection 2. The personnel system shall include the prohibitions against sexual harassment of full-time, part-time, and temporary employees set out in section 19B.12, and shall include a grievance procedure for discriminatory harassment. The personnel system shall develop and distribute at the time of hiring or orientation, a guide that describes for employees the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures. This subsection does not supersede the remedies provided under chapter 216.

Sec. 24. Section 729.4, subsections 1 and 2, Code 2022, are amended to read as follows:

1. Every person in this state is entitled to the opportunity for employment on equal terms with every other person. A person or employer shall not discriminate in the employment of individuals because of race, religion, color, sex, national origin, political belief, immunization status, or ancestry. However, as to employment an individual must be qualified to perform the services or work required.

2. A labor union or organization or an officer thereof shall not discriminate against any person as to membership therein because of race, religion, color, sex, national origin, political belief, immunization status, or ancestry.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
This bill prohibits discriminatory practices relating to employment, public accommodations, housing, education, and credit practices based upon a person's political beliefs or immunization status. However, the bill does allow for the imposition of qualifications by bona fide religious institutions based upon political belief or immunization status if related to a bona fide religious purpose.

The bill prohibits discrimination relating to employment opportunity and membership to a labor union or organization based upon a person's political belief or immunization status. Any person who violates this provision of the bill is guilty of a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days and a fine of at least $105 but not more than $855.