

House File 2141 - Introduced

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GERHOLD, MOMMSEN, BODEN,
and JACOBSEN

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:

1 Section 1. Section 216.5, subsections 6 and 8, Code 2022,
2 are amended to read as follows:

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

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

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

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

33 b. Labor organization or the employees, agents, or members
34 thereof to refuse to admit to membership any applicant, to
35 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,

1 or gender identity when such qualifications are related to a
2 bona fide religious purpose. A religious qualification for
3 instructional personnel or an administrative officer, serving
4 in a supervisory capacity of a bona fide religious educational
5 facility or religious institution, shall be presumed to be a
6 bona fide occupational qualification.

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

9 **216.6A Additional unfair or discriminatory practice — wage**
10 **discrimination in employment.**

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

18 (1) Unjustly discriminates against the person receiving the
19 lesser rate.

20 (2) Leads to low employee morale, high turnover, and
21 frequent labor unrest.

22 (3) Discourages employees paid at lesser wage rates from
23 training for higher level jobs.

24 (4) Curtails employment opportunities, decreases employees'
25 mobility, and increases labor costs.

26 (5) Impairs purchasing power and threatens the maintenance
27 of an adequate standard of living by such employees and their
28 families.

29 (6) Prevents optimum utilization of the state's available
30 labor resources.

31 (7) Threatens the well-being of citizens of this state and
32 adversely affects the general welfare.

33 *b.* The general assembly declares that it is the policy
34 of this state to correct and, as rapidly as possible, to
35 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.

1 4. **This section** shall not apply to any employer who
2 regularly employs less than four individuals. For purposes of
3 this subsection, individuals who are members of the employer's
4 family shall not be counted as employees.

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

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

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

22 Sec. 6. Section 216.7, subsection 2, paragraph a, Code 2022,
23 is amended to read as follows:

24 a. Any bona fide religious institution with respect to any
25 qualifications the institution may impose based on religion,
26 sexual orientation, political belief, immunization status, or
27 gender identity when such qualifications are related to a bona
28 fide religious purpose.

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

31 a. To refuse to sell, rent, lease, assign, sublease, refuse
32 to negotiate, or to otherwise make unavailable, or deny any
33 real property or housing accommodation or part, portion, or
34 interest therein, to any person because of the race, color,
35 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

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

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

12 Sec. 9. Section 216.8A, subsection 4, paragraph a, Code
13 2022, is amended to read as follows:

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

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

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

34 Sec. 11. Section 216.9, subsection 1, unnumbered paragraph
35 1, Code 2022, is amended to read as follows:

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

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

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

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

26 c. Creditor to refuse to offer credit life or health and
27 accident insurance because of color, creed, national origin,
28 race, religion, marital status, age, physical disability,
29 sex, sexual orientation, gender identity, political belief,
30 immunization status, or familial status. Refusal by a creditor
31 to offer credit life or health and accident insurance based
32 upon the age or physical disability of the consumer shall not
33 be an unfair or discriminatory practice if such denial is
34 based solely upon bona fide underwriting considerations not
35 prohibited by [Title XIII, subtitle 1](#).

1 Sec. 13. Section 216.12, subsection 1, paragraph a, Code
2 2022, is amended to read as follows:

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

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

13 **216.12A Additional housing exception.**

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

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

22 1. The department shall provide for the operation of an
23 online state job posting system. The system shall be designed
24 and implemented for the online posting of job openings offered
25 by school districts, charter schools, area education agencies,
26 the department, and accredited nonpublic schools. The system
27 shall be accessible via the department's internet site. The
28 system shall include a mechanism for the electronic submission
29 of job openings for posting on the system as provided in
30 subsection 2. The system and each job posting on the system
31 shall include a statement that an employer submitting a job
32 opening for posting on the system will not discriminate in
33 hiring on the basis of race, ethnicity, national origin,
34 gender, age, physical disability, sexual orientation,
35 gender identity, religion, marital status, political belief,

1 immunization status, or status as a veteran. The department
2 may contract for, or partner with another entity for, the use
3 of an existing internet site to operate the online state job
4 posting system if the existing internet site is more effective
5 and economical than the department's internet site.

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

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

17 Sec. 17. Section 256F.4, subsection 2, paragraph a, Code
18 2022, is amended to read as follows:

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

29 Sec. 18. Section 261A.4, subsection 12, paragraph d, Code
30 2022, is amended to read as follows:

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

34 Sec. 19. Section 280.3, subsection 2, Code 2022, is amended
35 to read as follows:

1 2. The minimum educational program shall be the curriculum
2 set forth in [section 256.11](#), except as otherwise provided by
3 law. The board of directors of a public school district shall
4 not allow discrimination in any educational program on the
5 basis of race, color, creed, sex, marital status, political
6 belief, immunization status, or place of national origin.

7 Sec. 20. Section 280.28, subsection 2, paragraph c, Code
8 2022, is amended to read as follows:

9 c. *“Trait or characteristic of the student”* includes but
10 is not limited to age, color, creed, national origin, race,
11 religion, marital status, sex, sexual orientation, gender
12 identity, physical attributes, physical or mental ability or
13 disability, ancestry, political party preference or belief,
14 political belief, socioeconomic status, immunization status,
15 or familial status.

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

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

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

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

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

32 1. The supreme court shall establish, and may amend,
33 a personnel system and a pay and benefits plan for court
34 employees. The personnel system shall include a designation
35 by position title, classification, and function of each

1 position or class of positions within the judicial branch.
2 Reasonable efforts shall be made to accommodate the individual
3 staffing and management practices of the respective clerks of
4 the district court. The personnel system, in the employment
5 of court employees, shall not discriminate on the basis of
6 race, creed, color, sex, national origin, religion, physical
7 disability, immunization status, or political party preference
8 or belief. The supreme court, in establishing the personnel
9 system, shall implement the comparable worth directives issued
10 by the state court administrator under section 602.1204,
11 subsection 2. The personnel system shall include the
12 prohibitions against sexual harassment of full-time, part-time,
13 and temporary employees set out in [section 19B.12](#), and shall
14 include a grievance procedure for discriminatory harassment.
15 The personnel system shall develop and distribute at the time
16 of hiring or orientation, a guide that describes for employees
17 the applicable sexual harassment prohibitions and grievance,
18 violation, and disposition procedures. [This subsection](#) does
19 not supersede the remedies provided under [chapter 216](#).

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

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

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

33 EXPLANATION

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

1 This bill prohibits discriminatory practices relating to
2 employment, public accommodations, housing, education, and
3 credit practices based upon a person's political beliefs
4 or immunization status. However, the bill does allow for
5 the imposition of qualifications by bona fide religious
6 institutions based upon political belief or immunization status
7 if related to a bona fide religious purpose.

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