

House File 2545 - Introduced

HOUSE FILE 2545
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 647)

A BILL FOR

1 An Act relating to the medical privacy and freedom Act,
2 providing penalties, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 27C.2, Code 2022, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **27C.2 Medical treatment status — immunity passports —**
4 **liability.**

5 1. *a.* Notwithstanding any provision of law to the contrary,
6 a business, educational institution, employer, or governmental
7 entity shall not do any of the following:

8 (1) (a) Inquire into the medical treatment status of,
9 maintain a record of the medical treatment status of, or
10 require the furnishing of an immunity passport by, a person.

11 (b) Maintain an existing record of the medical treatment
12 status of a person if the person requests that the record be
13 deleted.

14 (c) This subparagraph shall not interfere with a person's
15 right to access the person's own health information under any
16 applicable state or federal law or any legal responsibility of
17 a health care professional to comply with any applicable state
18 or federal law in administering health care to a person.

19 (2) Refuse, withhold from, or deny to a person any
20 services, goods, facilities, advantages, privileges, access,
21 transportation or freedom of movement, licensing, educational
22 opportunities, or health care access based on the person's
23 medical treatment status or the furnishing of an immunity
24 passport.

25 (3) Provide or disallow incentives such as coupons, free
26 goods or services, or lotteries and games of chance, or impose
27 a monetary fine or tax or other socioeconomic disincentive
28 based on the person's medical treatment status or the
29 furnishing of an immunity passport.

30 (4) Refuse to hire or employ, bar or discharge from
31 employment, impose a surcharge or wage reduction, or
32 discriminate against a person in compensation or in a term,
33 condition, or privilege of employment based on the person's
34 medical treatment status or the furnishing of an immunity
35 passport.

1 (5) Exclude, limit, segregate, refuse to serve, require a
2 mask or other facial covering, require testing, or otherwise
3 discriminate against a person based on the person's medical
4 treatment status or the furnishing of an immunity passport.

5 b. Notwithstanding any provision of law to the contrary,
6 each appropriate state agency shall ensure that a business in
7 this state complies with this subsection and shall require
8 compliance with this subsection as a condition of obtaining a
9 license, permit, or other state authorization as necessary to
10 conduct business in this state.

11 2. Notwithstanding any provision of law to the contrary, a
12 business, educational institution, employer, or governmental
13 entity that violates subsection 1 is liable for any adverse
14 reaction, injury, disability, or death that is or may be
15 related to a person receiving forced medical treatment in
16 response to such violation. Relative to a person who is
17 an employee, it shall be presumed, in the absence of any
18 substantial evidence to the contrary, that such adverse
19 reaction, injury, disability, or death arose in the course of
20 such person's employment.

21 3. For the purposes of this section:

22 a. "Business" means a sole proprietorship, partnership,
23 joint venture, corporation, association, or other business
24 entity, either for-profit or not-for-profit, including retail
25 establishments where goods or services are sold.

26 b. "Educational institution" includes any preschool,
27 elementary or secondary school, community college, area
28 education agency, or postsecondary college or university and
29 their governing boards.

30 c. "Employer" means a person, as defined in chapter 4, who
31 in this state employs for wages a natural person.

32 d. "Governmental entity" means the state or any political
33 subdivision of the state that owns, leases, or operates
34 buildings under the control of the state or a political
35 subdivision of the state.

1 of law to the contrary, a business, educational institution,
2 employer, or governmental entity shall not: inquire into
3 the medical treatment status of, maintain a record including
4 an existing record of the medical treatment status of, or
5 require the furnishing of an immunity passport by, a person;
6 refuse, withhold from, or deny to a person any services, goods,
7 facilities, advantages, privileges, access, transportation or
8 freedom of movement, licensing, educational opportunities,
9 or health care access based on a person's medical treatment
10 status or the furnishing of an immunity passport; provide or
11 disallow incentives such as coupons, free goods or services, or
12 lotteries and games of chance, or impose a monetary fine or tax
13 or other socioeconomic disincentive based on a person's medical
14 treatment status or the furnishing of an immunity passport;
15 refuse to hire or employ, bar or discharge from employment,
16 impose a surcharge or wage reduction, or discriminate against a
17 person in compensation or in a term, condition, or privilege
18 of employment based on the person's medical treatment status
19 or the furnishing of an immunity passport; or exclude, limit,
20 segregate, refuse to serve, require a mask or other facial
21 covering, require testing, or otherwise discriminate against a
22 person based on the person's medical treatment status or the
23 furnishing of an immunity passport.

24 The bill requires each appropriate state agency to ensure
25 that a business in this state complies with the provisions of
26 the bill and requires compliance with the provisions of the
27 bill as a condition of obtaining a license, permit, or other
28 state authorization as necessary to conduct business in this
29 state.

30 A business, educational institution, employer, or
31 governmental entity that violates the provisions of the bill is
32 liable for any adverse reaction, injury, disability, or death
33 that is or may be related to a person receiving forced medical
34 treatment in response to such violation. For purposes of a
35 person who is an employee, it shall be presumed, in the absence

1 of any substantial evidence to the contrary, that such adverse
2 reaction, injury, disability, or death arose in the course of
3 the person's employment.

4 The bill includes a directive to the Code editor to amend the
5 title of Code chapter 27C to be titled the medical privacy and
6 freedom Act. Provisions of the bill are severable pursuant to
7 Code section 4.12. The bill takes effect upon enactment.