

House File 272 - Introduced

HOUSE FILE 272

BY FISHER, WHEELER, CISNEROS,
and SALMON

A BILL FOR

1 An Act removing gender identity as a protected class under the
2 Iowa civil rights Act.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.2, subsection 10, Code 2021, is
2 amended by striking the subsection.

3 Sec. 2. Section 216.5, subsections 6 and 8, Code 2021, are
4 amended to read as follows:

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

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

19 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and c,
20 Code 2021, 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
24 for employment or any employee because of the age, race,
25 creed, color, sex, sexual orientation, ~~gender identity~~,
26 national origin, religion, or disability of such applicant or
27 employee, unless based upon the nature of the occupation. If a
28 person with a disability is qualified to perform a particular
29 occupation, by reason of training or experience, the nature
30 of that occupation shall not be the basis for exception to
31 the unfair or discriminatory practices prohibited by this
32 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, or disability of such applicant or
5 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 or disability are unwelcome, objectionable, not acceptable, or
12 not solicited for employment or membership unless based on the
13 nature of the occupation.

14 (1) If a person with a disability is qualified to perform a
15 particular occupation by reason of training or experience, the
16 nature of that occupation shall not be the basis for exception
17 to the unfair or discriminatory practices prohibited by this
18 subsection.

19 (2) An employer, employment agency, or their employees,
20 servants, or agents may offer employment or advertise for
21 employment to only persons with disabilities, when other
22 applicants have available to them other employment compatible
23 with their ability which would not be available to persons
24 with disabilities because of their disabilities. Any such
25 employment or offer of employment shall not discriminate among
26 persons with disabilities on the basis of race, color, creed,
27 sex, sexual orientation, ~~gender identity~~, or national origin.

28 Sec. 4. Section 216.6, subsection 6, paragraph d, Code 2021,
29 is amended to read as follows:

30 d. Any bona fide religious institution or its educational
31 facility, association, corporation, or society with respect
32 to any qualifications for employment based on religion, or
33 sexual orientation, ~~or gender identity~~ when such qualifications
34 are related to a bona fide religious purpose. A religious
35 qualification for instructional personnel or an administrative

1 officer, serving in a supervisory capacity of a bona fide
2 religious educational facility or religious institution, shall
3 be presumed to be a bona fide occupational qualification.

4 Sec. 5. Section 216.6A, subsection 1, paragraph a,
5 unnumbered paragraph 1, Code 2021, is amended to read as
6 follows:

7 The general assembly finds that the practice of
8 discriminating against any employee because of the age,
9 race, creed, color, sex, sexual orientation, ~~gender identity~~,
10 national origin, religion, or disability of such employee by
11 paying wages to such employee at a rate less than the rate paid
12 to other employees does all of the following:

13 Sec. 6. Section 216.6A, subsection 1, paragraph b, Code
14 2021, is amended to read as follows:

15 b. The general assembly declares that it is the policy
16 of this state to correct and, as rapidly as possible, to
17 eliminate, discriminatory wage practices based on age, race,
18 creed, color, sex, sexual orientation, ~~gender identity~~,
19 national origin, religion, and disability.

20 Sec. 7. Section 216.6A, subsection 2, paragraph a, Code
21 2021, is amended to read as follows:

22 a. It shall be an unfair or discriminatory practice for any
23 employer or agent of any employer to discriminate against any
24 employee because of the age, race, creed, color, sex, sexual
25 orientation, ~~gender identity~~, national origin, religion, or
26 disability of such employee by paying wages to such employee
27 at a rate less than the rate paid to other employees who are
28 employed within the same establishment for equal work on jobs,
29 the performance of which requires equal skill, effort, and
30 responsibility, and which are performed under similar working
31 conditions. An employer or agent of an employer who is paying
32 wages to an employee at a rate less than the rate paid to other
33 employees in violation of [this section](#) shall not remedy the
34 violation by reducing the wage rate of any employee.

35 Sec. 8. Section 216.6A, subsection 3, paragraph d, Code

1 2021, is amended to read as follows:

2 *d.* Pay differential is based on any other factor other than
3 the age, race, creed, color, sex, sexual orientation, ~~gender~~
4 ~~identity~~, national origin, religion, or disability of such
5 employee.

6 Sec. 9. Section 216.7, subsection 1, paragraphs a and b,
7 Code 2021, are amended to read as follows:

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

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

22 Sec. 10. Section 216.7, subsection 2, paragraph a, Code
23 2021, 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, or
26 sexual orientation, ~~or gender identity~~ when such qualifications
27 are related to a bona fide religious purpose.

28 Sec. 11. Section 216.8, subsection 1, paragraphs a, b, c,
29 and d, Code 2021, are amended to read as follows:

30 *a.* To refuse to sell, rent, lease, assign, sublease, refuse
31 to negotiate, or to otherwise make unavailable, or deny any
32 real property or housing accommodation or part, portion, or
33 interest therein, to any person because of the race, color,
34 creed, sex, sexual orientation, ~~gender identity~~, religion,
35 national origin, disability, or familial status of such person.

1 *b.* To discriminate against any person because of the
2 person's race, color, creed, sex, sexual orientation, ~~gender~~
3 ~~identity~~, religion, national origin, disability, or familial
4 status, in the terms, conditions, or privileges of the sale,
5 rental, lease assignment, or sublease of any real property or
6 housing accommodation or any part, portion, or interest in the
7 real property or housing accommodation or in the provision of
8 services or facilities in connection with the real property or
9 housing accommodation.

10 *c.* To directly or indirectly advertise, or in any other
11 manner indicate or publicize that the purchase, rental,
12 lease, assignment, or sublease of any real property or housing
13 accommodation or any part, portion, or interest therein, by
14 persons of any particular race, color, creed, sex, sexual
15 orientation, ~~gender-identity~~, religion, national origin,
16 disability, or familial status is unwelcome, objectionable, not
17 acceptable, or not solicited.

18 *d.* To discriminate against the lessee or purchaser of any
19 real property or housing accommodation or part, portion, or
20 interest of the real property or housing accommodation, or
21 against any prospective lessee or purchaser of the property or
22 accommodation, because of the race, color, creed, religion,
23 sex, sexual orientation, ~~gender-identity~~, disability, age, or
24 national origin of persons who may from time to time be present
25 in or on the lessee's or owner's premises for lawful purposes
26 at the invitation of the lessee or owner as friends, guests,
27 visitors, relatives, or in any similar capacity.

28 Sec. 12. Section 216.8A, subsections 1, 2, and 5, Code 2021,
29 are amended to read as follows:

30 1. A person shall not induce or attempt to induce another
31 person to sell or rent a dwelling by representations regarding
32 the entry or prospective entry into a neighborhood of a person
33 of a particular race, color, creed, sex, sexual orientation,
34 ~~gender-identity~~, religion, national origin, disability, or
35 familial status.

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

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

15 Sec. 13. Section 216.8A, subsection 4, paragraph a, Code
16 2021, is amended to read as follows:

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

24 Sec. 14. Section 216.9, subsection 1, unnumbered paragraph
25 1, Code 2021, is amended to read as follows:

26 It is an unfair or discriminatory practice for any
27 educational institution to discriminate on the basis of
28 race, creed, color, sex, sexual orientation, ~~gender identity~~,
29 national origin, religion, or disability in any program or
30 activity. Such discriminatory practices shall include but not
31 be limited to the following practices:

32 Sec. 15. Section 216.9, subsection 2, Code 2021, is amended
33 to read as follows:

34 2. For the purpose of [this section](#), "*educational*
35 *institution*" includes any preschool, elementary or secondary

1 school, community college, area education agency, or
2 postsecondary college or university and their governing boards.
3 This section does not prohibit an educational institution
4 from maintaining separate toilet facilities, locker rooms, or
5 living facilities for the different sexes so long as comparable
6 facilities are provided. Nothing in [this section](#) shall be
7 construed as prohibiting any bona fide religious institution
8 from imposing qualifications based on religion, or sexual
9 orientation, ~~or gender identity~~ when such qualifications are
10 related to a bona fide religious purpose or any institution
11 from admitting students of only one sex.

12 Sec. 16. Section 216.10, subsection 1, paragraphs a, b, and
13 c, Code 2021, are amended to read as follows:

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

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

29 c. Creditor to refuse to offer credit life or health and
30 accident insurance because of color, creed, national origin,
31 race, religion, marital status, age, physical disability,
32 sex, sexual orientation, ~~gender identity~~, or familial status.
33 Refusal by a creditor to offer credit life or health and
34 accident insurance based upon the age or physical disability of
35 the consumer shall not be an unfair or discriminatory practice

1 if such denial is based solely upon bona fide underwriting
2 considerations not prohibited by [Title XIII, subtitle 1](#).

3 Sec. 17. Section 216.12, subsection 1, paragraph a, Code
4 2021, is amended to read as follows:

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

12 Sec. 18. Section 216.12A, Code 2021, is amended to read as
13 follows:

14 **216.12A Additional housing exception.**

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

21 EXPLANATION

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

24 This bill removes gender identity as a protected class under
25 Code chapter 216, the Iowa civil rights Act.

26 Under current law, Code chapter 216 prohibits discrimination
27 in employment, wages, public accommodations, housing,
28 education, and credit practices based upon certain
29 characteristics of a person, including gender identity.
30 A person who claims to be aggrieved by an unfair or
31 discriminatory practice prohibited by Code chapter 216 may
32 file a complaint with the Iowa civil rights commission. Code
33 chapter 216 defines "gender identity" as the gender-related
34 identity of a person, regardless of the person's assigned sex
35 at birth.