

House File 190 - Introduced

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A BILL FOR

1 An Act relating to gender under the Iowa civil rights Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.2, subsection 10, Code 2023, is
2 amended by striking the subsection.

3 Sec. 2. Section 216.2, Code 2023, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 13A. "Sex" means a person's biological
6 sex as either female or male. The sex listed on a person's
7 official birth certificate or certificate issued upon adoption
8 may be relied upon if the certificate was issued at or near the
9 time of the person's birth.

10 Sec. 3. Section 216.5, subsections 6 and 8, Code 2023, are
11 amended to read as follows:

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

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

26 Sec. 4. Section 216.6, subsection 1, paragraphs a, b, and c,
27 Code 2023, are amended to read as follows:

28 a. Person to refuse to hire, accept, register, classify,
29 or refer for employment, to discharge any employee, or to
30 otherwise discriminate in employment against any applicant
31 for employment or any employee because of the age, race,
32 creed, color, sex, sexual orientation, ~~gender identity~~,
33 national origin, religion, or disability of such applicant or
34 employee, unless based upon the nature of the occupation. If a
35 person with a disability is qualified to perform a particular

1 occupation, by reason of training or experience, the nature
2 of that occupation shall not be the basis for exception to
3 the unfair or discriminatory practices prohibited by this
4 subsection.

5 *b.* Labor organization or the employees, agents, or members
6 thereof to refuse to admit to membership any applicant, to
7 expel any member, or to otherwise discriminate against any
8 applicant for membership or any member in the privileges,
9 rights, or benefits of such membership because of the age,
10 race, creed, color, sex, sexual orientation, ~~gender identity~~,
11 national origin, religion, or disability of such applicant or
12 member.

13 *c.* Employer, employment agency, labor organization, or the
14 employees, agents, or members thereof to directly or indirectly
15 advertise or in any other manner indicate or publicize that
16 individuals of any particular age, race, creed, color, sex,
17 sexual orientation, ~~gender identity~~, national origin, religion,
18 or disability are unwelcome, objectionable, not acceptable, or
19 not solicited for employment or membership unless based on the
20 nature of the occupation.

21 (1) If a person with a disability is qualified to perform a
22 particular occupation by reason of training or experience, the
23 nature of that occupation shall not be the basis for exception
24 to the unfair or discriminatory practices prohibited by this
25 subsection.

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

35 Sec. 5. Section 216.6, subsection 6, paragraph d, Code 2023,

1 is amended to read as follows:

2 *d.* Any bona fide religious institution or its educational
3 facility, association, corporation, or society with respect
4 to any qualifications for employment based on religion, or
5 sexual orientation, ~~or gender identity~~ when such qualifications
6 are related to a bona fide religious purpose. A religious
7 qualification for instructional personnel or an administrative
8 officer, serving in a supervisory capacity of a bona fide
9 religious educational facility or religious institution, shall
10 be presumed to be a bona fide occupational qualification.

11 Sec. 6. Section 216.6A, subsection 1, paragraph a,
12 unnumbered paragraph 1, Code 2023, is amended to read as
13 follows:

14 The general assembly finds that the practice of
15 discriminating against any employee because of the age,
16 race, creed, color, sex, sexual orientation, ~~gender identity,~~
17 national origin, religion, or disability of such employee by
18 paying wages to such employee at a rate less than the rate paid
19 to other employees does all of the following:

20 Sec. 7. Section 216.6A, subsection 1, paragraph b, Code
21 2023, is amended to read as follows:

22 *b.* The general assembly declares that it is the policy
23 of this state to correct and, as rapidly as possible, to
24 eliminate, discriminatory wage practices based on age, race,
25 creed, color, sex, sexual orientation, ~~gender identity,~~
26 national origin, religion, and disability.

27 Sec. 8. Section 216.6A, subsection 2, paragraph a, Code
28 2023, is amended to read as follows:

29 *a.* It shall be an unfair or discriminatory practice for any
30 employer or agent of any employer to discriminate against any
31 employee because of the age, race, creed, color, sex, sexual
32 orientation, ~~gender identity,~~ national origin, religion, or
33 disability of such employee by paying wages to such employee
34 at a rate less than the rate paid to other employees who are
35 employed within the same establishment for equal work on jobs,

1 the performance of which requires equal skill, effort, and
2 responsibility, and which are performed under similar working
3 conditions. An employer or agent of an employer who is paying
4 wages to an employee at a rate less than the rate paid to other
5 employees in violation of **this section** shall not remedy the
6 violation by reducing the wage rate of any employee.

7 Sec. 9. Section 216.6A, subsection 3, paragraph d, Code
8 2023, is amended to read as follows:

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

13 Sec. 10. Section 216.7, subsection 1, paragraphs a and b,
14 Code 2023, are amended to read as follows:

15 *a.* To refuse or deny to any person because of race,
16 creed, color, sex, sexual orientation, ~~gender identity~~,
17 national origin, religion, or disability the accommodations,
18 advantages, facilities, services, or privileges thereof,
19 or otherwise to discriminate against any person because of
20 race, creed, color, sex, sexual orientation, ~~gender identity~~,
21 national origin, religion, or disability in the furnishing
22 of such accommodations, advantages, facilities, services, or
23 privileges.

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

29 Sec. 11. Section 216.7, subsection 2, paragraph a, Code
30 2023, is amended to read as follows:

31 *a.* Any bona fide religious institution with respect to any
32 qualifications the institution may impose based on religion, or
33 sexual orientation, ~~or gender identity~~ when such qualifications
34 are related to a bona fide religious purpose.

35 Sec. 12. Section 216.8, subsection 1, paragraphs a, b, c,

1 and d, Code 2023, are amended to read as follows:

2 *a.* To refuse to sell, rent, lease, assign, sublease, refuse
3 to negotiate, or to otherwise make unavailable, or deny any
4 real property or housing accommodation or part, portion, or
5 interest therein, to any person because of the race, color,
6 creed, sex, sexual orientation, ~~gender identity~~, religion,
7 national origin, disability, or familial status of such person.

8 *b.* To discriminate against any person because of the
9 person's race, color, creed, sex, sexual orientation, ~~gender~~
10 ~~identity~~, religion, national origin, disability, or familial
11 status, in the terms, conditions, or privileges of the sale,
12 rental, lease assignment, or sublease of any real property or
13 housing accommodation or any part, portion, or interest in the
14 real property or housing accommodation or in the provision of
15 services or facilities in connection with the real property or
16 housing accommodation.

17 *c.* To directly or indirectly advertise, or in any other
18 manner indicate or publicize that the purchase, rental,
19 lease, assignment, or sublease of any real property or housing
20 accommodation or any part, portion, or interest therein, by
21 persons of any particular race, color, creed, sex, sexual
22 orientation, ~~gender identity~~, religion, national origin,
23 disability, or familial status is unwelcome, objectionable, not
24 acceptable, or not solicited.

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

35 Sec. 13. Section 216.8A, subsections 1, 2, and 5, Code 2023,

1 are amended to read as follows:

2 1. A person shall not induce or attempt to induce another
3 person to sell or rent a dwelling by representations regarding
4 the entry or prospective entry into a neighborhood of a person
5 of a particular race, color, creed, sex, sexual orientation,
6 ~~gender identity~~, religion, national origin, disability, or
7 familial status.

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

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

22 Sec. 14. Section 216.8A, subsection 4, paragraph a, Code
23 2023, is amended to read as follows:

24 a. A person whose business includes engaging in residential
25 real estate related transactions shall not discriminate
26 against a person in making a residential real estate
27 related transaction available or in terms or conditions of
28 a residential real estate related transaction because of
29 race, color, creed, sex, sexual orientation, ~~gender identity~~,
30 religion, national origin, disability, or familial status.

31 Sec. 15. Section 216.9, subsection 1, unnumbered paragraph
32 1, Code 2023, is amended to read as follows:

33 It is an unfair or discriminatory practice for any
34 educational institution to discriminate on the basis of
35 race, creed, color, sex, sexual orientation, ~~gender identity~~,

1 national origin, religion, or disability in any program or
2 activity. Such discriminatory practices shall include but not
3 be limited to the following practices:

4 Sec. 16. Section 216.9, subsection 2, Code 2023, is amended
5 to read as follows:

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

19 Sec. 17. Section 216.10, subsection 1, paragraphs a, b, and
20 c, Code 2023, are amended to read as follows:

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

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

1 c. Creditor to refuse to offer credit life or health and
2 accident insurance because of color, creed, national origin,
3 race, religion, marital status, age, physical disability,
4 sex, sexual orientation, ~~gender identity~~, or familial status.
5 Refusal by a creditor to offer credit life or health and
6 accident insurance based upon the age or physical disability of
7 the consumer shall not be an unfair or discriminatory practice
8 if such denial is based solely upon bona fide underwriting
9 considerations not prohibited by [Title XIII, subtitle 1](#).

10 Sec. 18. Section 216.12, subsection 1, paragraph a, Code
11 2023, is amended to read as follows:

12 a. Any bona fide religious institution with respect to
13 any qualifications it may impose based on religion, or sexual
14 orientation, ~~or gender identity~~, when the qualifications are
15 related to a bona fide religious purpose, unless the religious
16 institution owns or operates property for a commercial purpose
17 or membership in the religion is restricted on account of race,
18 color, or national origin.

19 Sec. 19. Section 216.12A, Code 2023, is amended to read as
20 follows:

21 **216.12A Additional housing exception.**

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

28 **EXPLANATION**

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

31 This bill relates to gender under Code chapter 216, the Iowa
32 civil rights Act.

33 Under current law, Code chapter 216 prohibits discrimination
34 in employment, wages, public accommodations, housing,
35 education, and credit practices based upon certain

1 characteristics of a person, including sex and gender
2 identity. A person who claims to be aggrieved by an unfair
3 or discriminatory practice prohibited by Code chapter 216 may
4 file a complaint with the Iowa civil rights commission. Code
5 chapter 216 defines "gender identity" as the gender-related
6 identity of a person, regardless of the person's assigned sex
7 at birth. For purposes of Code chapter 216, the bill removes
8 gender identity as a protected class and defines "sex" to mean
9 a person's biological sex as either male or female.