

House File 455 - Introduced

HOUSE FILE 455

BY ANDREWS

A BILL FOR

1 An Act relating to protected classes under the Iowa civil
2 rights Act.

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

1 Section 1. Section 216.5, subsections 6 and 8, Code 2023,
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 affiliation, medical or vaccination 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 affiliation,
17 medical or vaccination status, or disability as it may deem
18 necessary and desirable.

19 Sec. 2. Section 216.6, subsection 1, paragraphs a, b, and c,
20 Code 2023, 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 affiliation, medical or vaccination
27 status, or disability of such applicant or employee, unless
28 based upon the nature of the occupation. If a person with a
29 disability is qualified to perform a particular occupation,
30 by reason of training or experience, the nature of that
31 occupation shall not be the basis for exception to the unfair
32 or discriminatory 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 affiliation, medical or
5 vaccination 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 affiliation, medical or vaccination status, or
12 disability are unwelcome, objectionable, not acceptable, or
13 not solicited for employment or membership unless based on the
14 nature of the 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
27 among persons with disabilities on the basis of race, color,
28 creed, sex, sexual orientation, gender identity, political
29 affiliation, medical or vaccination status, or national origin.

30 Sec. 3. Section 216.6A, subsection 1, paragraph a,
31 unnumbered paragraph 1, Code 2023, is amended to read as
32 follows:

33 The general assembly finds that the practice of
34 discriminating against any employee because of the age,
35 race, creed, color, sex, sexual orientation, gender identity,

1 national origin, religion, political affiliation, medical or
2 vaccination status, or disability of such employee by paying
3 wages to such employee at a rate less than the rate paid to
4 other employees does all of the following:

5 Sec. 4. Section 216.6A, subsection 1, paragraph b, Code
6 2023, is amended to read as follows:

7 b. The general assembly declares that it is the policy
8 of this state to correct and, as rapidly as possible, to
9 eliminate, discriminatory wage practices based on age, race,
10 creed, color, sex, sexual orientation, gender identity,
11 national origin, religion, political affiliation, medical or
12 vaccination status, and disability.

13 Sec. 5. Section 216.6A, subsection 2, paragraph a, Code
14 2023, is amended to read as follows:

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

29 Sec. 6. Section 216.6A, subsection 3, paragraph d, Code
30 2023, is amended to read as follows:

31 d. Pay differential is based on any other factor other than
32 the age, race, creed, color, sex, sexual orientation, gender
33 identity, national origin, religion, political affiliation,
34 medical or vaccination status, or disability of such employee.

35 Sec. 7. Section 216.7, subsection 1, paragraphs a and b,

1 Code 2023, are amended to read as follows:

2 *a.* To refuse or deny to any person because of race, creed,
3 color, sex, sexual orientation, gender identity, national
4 origin, religion, or disability the accommodations, advantages,
5 facilities, services, or privileges thereof, or otherwise
6 to discriminate against any person because of race, creed,
7 color, sex, sexual orientation, gender identity, national
8 origin, religion, political affiliation, medical or vaccination
9 status, or disability in the furnishing of such accommodations,
10 advantages, facilities, services, or privileges.

11 *b.* To directly or indirectly advertise or in any other
12 manner indicate or publicize that the patronage of persons of
13 any particular race, creed, color, sex, sexual orientation,
14 gender identity, national origin, religion, political
15 affiliation, medical or vaccination status, or disability is
16 unwelcome, objectionable, not acceptable, or not solicited.

17 Sec. 8. Section 216.8, subsection 1, paragraphs a, b, c, and
18 d, Code 2023, are amended to read as follows:

19 *a.* To refuse to sell, rent, lease, assign, sublease, refuse
20 to negotiate, or to otherwise make unavailable, or deny any
21 real property or housing accommodation or part, portion, or
22 interest therein, to any person because of the race, color,
23 creed, sex, sexual orientation, gender identity, religion,
24 national origin, disability, political affiliation, medical or
25 vaccination status, or familial status of such person.

26 *b.* To discriminate against any person because of the
27 person's race, color, creed, sex, sexual orientation, gender
28 identity, religion, national origin, disability, political
29 affiliation, medical or vaccination status, or familial status,
30 in the terms, conditions, or privileges of the sale, rental,
31 lease assignment, or sublease of any real property or housing
32 accommodation or any part, portion, or interest in the real
33 property or housing accommodation or in the provision of
34 services or facilities in connection with the real property or
35 housing accommodation.

1 *c.* To directly or indirectly advertise, or in any other
2 manner indicate or publicize that the purchase, rental,
3 lease, assignment, or sublease of any real property or housing
4 accommodation or any part, portion, or interest therein, by
5 persons of any particular race, color, creed, sex, sexual
6 orientation, gender identity, religion, national origin,
7 disability, political affiliation, medical or vaccination
8 status, or familial status is unwelcome, objectionable, not
9 acceptable, or not solicited.

10 *d.* To discriminate against the lessee or purchaser of any
11 real property or housing accommodation or part, portion, or
12 interest of the real property or housing accommodation, or
13 against any prospective lessee or purchaser of the property or
14 accommodation, because of the race, color, creed, religion,
15 sex, sexual orientation, gender identity, disability, age,
16 political affiliation, medical or vaccination status, or
17 national origin of persons who may from time to time be present
18 in or on the lessee's or owner's premises for lawful purposes
19 at the invitation of the lessee or owner as friends, guests,
20 visitors, relatives, or in any similar capacity.

21 Sec. 9. Section 216.8A, subsections 1, 2, and 5, Code 2023,
22 are amended to read as follows:

23 1. A person shall not induce or attempt to induce another
24 person to sell or rent a dwelling by representations regarding
25 the entry or prospective entry into a neighborhood of a person
26 of a particular race, color, creed, sex, sexual orientation,
27 gender identity, religion, national origin, disability,
28 political affiliation, medical or vaccination status, or
29 familial status.

30 2. A person shall not represent to a person of a particular
31 race, color, creed, sex, sexual orientation, gender identity,
32 religion, national origin, disability, political affiliation,
33 medical or vaccination status, or familial status that a
34 dwelling is not available for inspection, sale, or rental when
35 the dwelling is available for inspection, sale, or rental.

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

11 Sec. 10. Section 216.8A, subsection 4, paragraph a, Code
12 2023, is amended to read as follows:

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

21 Sec. 11. Section 216.9, subsection 1, unnumbered paragraph
22 1, Code 2023, is amended to read as follows:

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

30 Sec. 12. Section 216.10, subsection 1, paragraphs a, b, and
31 c, Code 2023, are amended to read as follows:

32 a. Creditor to refuse to enter into a consumer credit
33 transaction or impose finance charges or other terms or
34 conditions more onerous than those regularly extended by that
35 creditor to consumers of similar economic backgrounds because

1 of age, color, creed, national origin, race, religion, marital
2 status, sex, sexual orientation, gender identity, physical
3 disability, political affiliation, medical or vaccination
4 status, or familial status.

5 *b.* Person authorized or licensed to do business in this
6 state pursuant to [chapter 524](#), [533](#), [536](#), or [536A](#) to refuse
7 to loan or extend credit or to impose terms or conditions
8 more onerous than those regularly extended to persons of
9 similar economic backgrounds because of age, color, creed,
10 national origin, race, religion, marital status, sex, sexual
11 orientation, gender identity, physical disability, political
12 affiliation, medical or vaccination status, or familial status.

13 *c.* Creditor to refuse to offer credit life or health and
14 accident insurance because of color, creed, national origin,
15 race, religion, marital status, age, physical disability, sex,
16 sexual orientation, gender identity, political affiliation,
17 medical or vaccination status, or familial status. Refusal
18 by a creditor to offer credit life or health and accident
19 insurance based upon the age or physical disability of the
20 consumer shall not be an unfair or discriminatory practice
21 if such denial is based solely upon bona fide underwriting
22 considerations not prohibited by [Title XIII, subtitle 1](#).

23 Sec. 13. Section 216.12A, Code 2023, is amended to read as
24 follows:

25 **216.12A Additional housing exception.**

26 Sections 216.8 and [216.8A](#) do not prohibit a person engaged
27 in the business of furnishing appraisals of real estate from
28 taking into consideration factors other than race, color,
29 creed, sex, sexual orientation, gender identity, religion,
30 national origin, disability, political affiliation, medical
31 or vaccination status, or familial status in appraising real
32 estate.

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 creates two additional protected classes under
2 the Iowa civil rights Act (Code chapter 216), political
3 affiliation and medical or vaccination status. Current law
4 does not prohibit discrimination in employment, wages, public
5 accommodations, housing, education, and credit practices based
6 on a person's political affiliation or a person's medical or
7 vaccination status.