

Senate File 2055 - Introduced

SENATE FILE 2055

BY SALMON

A BILL FOR

1 An Act prohibiting persons from entering single and multiple
2 occupancy restrooms or changing areas and other facilities
3 in public accommodations that do not correspond with the
4 person's biological sex, and including effective date
5 provisions.

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

1 Section 1. NEW SECTION. 216.9B Single and multiple
2 occupancy restrooms or changing areas in public accommodations —
3 use by persons of same biological sex.

4 1. As used in this section:

5 a. *"Multiple occupancy restroom or changing area"* means an
6 area in a public accommodation building designed or designated
7 to be used by more than one person at a time, in which persons
8 may be in various stages of undress in the presence of other
9 persons. *"Multiple occupancy restroom or changing area"* includes
10 but is not limited to a restroom, locker room, changing room,
11 or shower room.

12 b. *"Sex"* means a person's biological sex as female or male,
13 as listed on a person's official birth certificate issued at or
14 near the time of the person's birth.

15 c. *"Single occupancy restroom or changing area"* means an area
16 in a public accommodation designed or designated to be used by
17 one person at a time, in which the person may be in various
18 stages of undress. *"Single occupancy restroom or changing area"*
19 includes a restroom, locker room, changing room, or shower
20 room.

21 2. It shall not be an unfair or discriminatory practice
22 for a public accommodation to require a single or multiple
23 occupancy restroom or changing area to be designated only for
24 and used by persons of the same biological sex as provided in
25 this section. It shall not be an unfair or discriminatory
26 practice to prohibit a person from using a single or multiple
27 occupancy restroom or changing area that does not correspond
28 with the person's biological sex as provided in this section.

29 3. A public accommodation shall require a multiple
30 occupancy restroom or changing area to be designated only for
31 and used by persons of the same sex. A person shall not enter
32 a multiple occupancy restroom or changing area, or a single
33 occupancy restroom or changing area designated only for persons
34 of the same sex, that does not correspond with the person's
35 sex.

1 4. A person who, for any reason, desires greater privacy
2 when using a single or multiple occupancy restroom or changing
3 area, or other facility, may submit a request for access to
4 alternative facilities. The public accommodation official or
5 employee to whom a request is submitted shall evaluate such
6 request and shall, to the extent reasonable, offer options for
7 alternative facilities. In no event shall any accommodation
8 be made that includes access to a multiple occupancy restroom
9 or changing area or a single occupancy restroom or changing
10 area designated for use by persons of the opposite sex while
11 persons of the opposite sex are present or could be present.

12 Reasonable accommodations may include any of the following:

13 a. Access to a single occupancy restroom or changing area.

14 b. Access to a unisex single occupancy restroom or changing
15 area by only one person at a time.

16 c. Controlled use of staff or personnel multiple occupancy
17 restroom or changing area or a single occupancy restroom or
18 changing area.

19 5. This section shall not be construed to prohibit a public
20 accommodation from doing any of the following:

21 a. Adopting policies necessary to accommodate disabled
22 persons or young children in need of physical assistance when
23 using a multiple occupancy restroom or changing area, a single
24 occupancy restroom or changing area, or other facility.

25 b. Permitting access to a multiple occupancy restroom or
26 changing area, a single occupancy restroom or changing area, or
27 other facility for custodial or maintenance purposes when such
28 facility is not occupied by a member of the opposite sex.

29 c. Rendering medical assistance.

30 d. Permitting access to a multiple occupancy restroom or
31 changing area, a single occupancy restroom or changing area, or
32 other facility or setting during a natural disaster, emergency,
33 or when necessary to prevent a serious threat to a person's
34 safety.

35 6. a. A citizen of this state may file a complaint with

1 the office of the attorney general that a public accommodation
2 is in violation of the provisions of this section if all of the
3 following are true:

4 (1) The citizen provides written notice to the public
5 accommodation describing the violation.

6 (2) The public accommodation does not cure the violation
7 within three business days after receiving written notice of
8 the violation.

9 *b.* A complaint filed pursuant to this section shall include
10 all of the following:

11 (1) A copy of the written notice delivered to the public
12 accommodation.

13 (2) A signed statement by the citizen describing the
14 violation and stating that notice was provided.

15 *c.* Upon receipt of a complaint, the attorney general shall
16 investigate the violation described in the complaint. If the
17 attorney general determines that no violation occurred or that
18 no further legal action is warranted, then the attorney general
19 shall send written notice of such determination to the citizen
20 who filed the complaint and to the public accommodation. If
21 the attorney general determines that legal action is warranted
22 to cure the violation, then the attorney general may file
23 an action in a court of competent jurisdiction seeking such
24 equitable relief as the attorney general deems appropriate.

25 *d.* This subsection shall not limit other remedies at law
26 or equity available to the aggrieved person against the public
27 accommodation.

28 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
29 importance, takes effect upon enactment.

30 EXPLANATION

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

33 This bill requires public accommodations to designate and
34 allow the use of multiple occupancy restrooms and changing
35 areas only by persons of the same biological sex. The bill

1 prohibits a person from entering a single or multiple occupancy
2 restroom or changing area in a public accommodation that does
3 not correspond with the person's biological sex. The bill
4 allows public accommodations to provide alternative facilities
5 upon a request to public accommodation officials or employees
6 for alternative facilities from the person.

7 The bill also allows any citizen of the state to file a
8 complaint of violation of the bill with the attorney general if
9 the citizen provides written notice to the public accommodation
10 describing the violation and the public accommodation does not
11 cure the violation within three business days after receiving
12 written notice. The complaint filed with the attorney general
13 must have a copy of the written notice that had been delivered
14 to the public accommodation and a signed statement by the
15 citizen describing the violation. The attorney general is
16 required to investigate the claim of a violation and pursue
17 legal action if warranted.

18 The bill provides that the actions required and prohibited
19 by the bill do not constitute unfair or discriminatory
20 practices in violation of the Iowa civil rights Act, Code
21 chapter 216.

22 The bill takes effect upon enactment.