

House File 2368 - Introduced

HOUSE FILE 2368

BY FETT

(COMPANION TO SF 2211 BY SALMON)

A BILL FOR

1 An Act relating to the Iowa medical freedom Act, including
2 limitations on requiring medical interventions by businesses,
3 governmental entities, and educational institutions, modifying
4 state authority during public health disasters, and including
5 effective date provisions.

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

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1 Section 1. Section 27C.2, Code 2026, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **27C.2 Medical intervention status — liability.**

4 1. For purposes of this section:

5 a. "*Business*" means any sole proprietorship, organization,
6 association, corporation, partnership, joint venture, limited
7 partnership, limited liability partnership, limited liability
8 company, or other entity or business association, including
9 retail establishments where goods and services are sold or are
10 authorized to transact business in this state and possess a
11 business license, permit, certificate, approval, registration,
12 charter, or similar form of authorization issued by the state or
13 any entity exempt by law from obtaining a business license or
14 that is operating unlawfully without a business license.

15 b. "*Educational institution*" means all of the following:

16 (1) A school district as described in chapter 274 and the
17 school district's board of directors.

18 (2) A charter school established pursuant to chapter 256E and
19 the charter school's governing board.

20 (3) A charter school or innovation zone school established
21 pursuant to chapter 256F and the authorities in charge of the
22 charter school or innovation zone school.

23 (4) A nonpublic school accredited pursuant to section 256.11
24 and the authorities in charge of the nonpublic school.

25 (5) An institution of higher education governed by the state
26 board of regents and the state board of regents.

27 (6) A community college as defined in section 260C.2 and the
28 community college's board of directors.

29 (7) An accredited private institution as defined in section
30 256.183 and the accredited private institution's governing board.

31 (8) An eligible institution as defined in section 256.183 and
32 the eligible institution's governing board.

33 c. "*Foreign jurisdiction*" means any state, commonwealth,
34 country, territory, or nation outside the state of Iowa.

35 d. "*Governmental entity*" means any state, county, municipal,

1 or local government, or any political subdivision thereof,
2 including but not limited to any department, agency, authority,
3 commission, board, council, committee, office, task force,
4 working group, or other body established by or under the
5 authority of the laws of such government or subdivision.

6 e. "Medical intervention" means a health care procedure,
7 treatment, device, drug injection, medication, biologic, or
8 action taken to diagnose, prevent, maintain, or treat the health
9 or biological function of a person.

10 f. "Ticket issuer" means a person, including but not limited
11 to venues, promoters, sports teams, performers, and their agents,
12 who provides or distributes tickets to an entertainment or public
13 event.

14 2. A business operating or transacting in the state shall not
15 refuse to provide any service, product, admission to a venue,
16 or transportation to a person based on whether the person has
17 received a medical intervention.

18 3. a. A business operating or transacting in the state shall
19 not require a medical intervention as a term of employment except
20 as provided in paragraph "b".

21 b. A business that has an employee whose terms of employment
22 include travel to foreign jurisdictions that require a medical
23 intervention as the only means of entry, or where the terms of
24 employment require entry into a place of business or facility
25 in a foreign jurisdiction and such place of business or facility
26 requires a medical intervention as the only means of entry, may
27 require a medical intervention as a term of employment as long as
28 the business:

29 (1) If the business and employee have a written employment
30 contract, includes the medical intervention requirement in the
31 written contract.

32 (2) In the absence of a written employment contract, provides
33 advance written notice to an employee no less than fourteen
34 days prior to requiring the employee to travel to a foreign
35 jurisdiction that requires a medical intervention as the only

1 means of entry, or to enter a business or facility in a foreign
2 jurisdiction that requires medical intervention as the only means
3 of entry.

4 c. A business described in paragraph "b" shall not impose a
5 surcharge or wage reduction, or discriminate against a person in
6 compensation or in term, condition, or privilege of employment
7 based on the employee's willingness to receive a medical
8 intervention.

9 4. A ticket issuer shall not penalize, discriminate against,
10 or deny a person access to an entertainment or public event based
11 on whether the person has received a medical intervention.

12 5. a. An educational institution shall not mandate a
13 medical intervention for any person to attend the educational
14 institution, enter the educational institution campus or
15 buildings, or be employed by the educational institution except
16 as provided by paragraph "b".

17 b. An educational institution that has an employee whose
18 terms of employment include travel to foreign jurisdictions that
19 require a medical intervention as the only means of entry, or
20 where the terms of employment require entry into a place of
21 business or facility in a foreign jurisdiction and such place of
22 business or facility requires a medical intervention as the only
23 means of entry, may require a medical intervention as a term of
24 employment as long as the educational institution:

25 (1) If the educational institution and employee have a
26 written employment contract, includes the medical intervention
27 requirement in the written contract.

28 (2) In the absence of a written employment contract, provides
29 advance written notice to an employee no less than fourteen
30 days prior to requiring the employee to travel to a foreign
31 jurisdiction that requires a medical intervention as the only
32 means of entry, or to enter a business or facility in a foreign
33 jurisdiction that requires medical intervention as the only means
34 of entry.

35 6. a. A governmental entity shall not require any person to

1 receive a medical intervention for any purpose, including but not
2 limited to:

3 (1) Receipt of any government benefit.

4 (2) Receipt of any government services.

5 (3) Receipt of any government-issued license or permit.

6 (4) Entrance or use of any public buildings, facilities,
7 infrastructure, or transportation.

8 (5) A term of employment, except as provided by paragraph
9 "b".

10 b. A governmental entity that has an employee whose terms of
11 employment include travel to foreign jurisdictions that require
12 a medical intervention as the only means of entry, or where the
13 terms of employment require entry into a place of business or
14 facility in a foreign jurisdiction and such place of business
15 or facility requires a medical intervention as the only means of
16 entry, may require a medical intervention as a term of employment
17 as long as the governmental entity:

18 (1) If the governmental entity and employee have a
19 written employment contract, includes the medical intervention
20 requirement in the written contract.

21 (2) In the absence of a written employment contract, provides
22 advance written notice to an employee no less than fourteen
23 days prior to requiring the employee to travel to a foreign
24 jurisdiction that requires a medical intervention as the only
25 means of entry, or to enter a business or facility in a foreign
26 jurisdiction that requires medical intervention as the only means
27 of entry.

28 7. a. A business, educational institution, or governmental
29 entity shall not provide any different salary, hourly wage,
30 or other ongoing compensation, treatment, or benefits to an
31 employee based on whether the employee has received a medical
32 intervention. However, a business, educational institution, or
33 governmental entity may offer a one-time incentive related to
34 medical interventions that do not result in any different salary,
35 hourly wage, or ongoing compensation or benefits being provided

1 to an employee based on whether the employee receives a medical
2 intervention.

3 **b.** A business, educational institution, or governmental
4 entity may release employees from work for the purpose of
5 receiving a medical intervention.

6 **8.** A healthy person shall not be excluded from a public
7 or private activity based on whether the person has received a
8 medical intervention.

9 **9. a.** A business, educational institution, or governmental
10 entity may require personal protective equipment as part
11 of occupational safety standards, provided such requirements
12 are consistent with adopted federal and state workplace and
13 occupational safety regulations, and do not discriminate based on
14 whether a person has received a medical intervention.

15 **b.** Notwithstanding paragraph "a", a person shall not be
16 compelled to wear, use, or otherwise be subjected to personal
17 protective equipment intended for a specific purpose that is
18 authorized solely by emergency use authorization under the
19 Federal Food, Drug, and Cosmetic Act, pursuant to 21 U.S.C.
20 §360bbb-3 et seq.

21 **10.** The attorney general or a county attorney for the county
22 where an alleged violation occurs may institute a civil action to
23 enforce the provisions of this section. If a court determines a
24 business, ticket issuer, educational institution, or governmental
25 entity has violated this section, the attorney general or county
26 attorney, as applicable, shall be awarded attorney fees and costs
27 incurred in pursuing the enforcement action.

28 **11.** Each appropriate state agency shall ensure that a
29 business, educational institution, or governmental entity in this
30 state complies with this section as a condition of obtaining a
31 license, permit, or other state authorization as necessary to
32 conduct business in this state.

33 **12.** This section shall not be construed to prohibit
34 compliance with child welfare laws.

35 **13.** The provisions of this section shall apply at all times

1 and shall not be suspended, nullified, or otherwise disregarded
2 during any declared emergency, public health crisis, or state
3 of emergency issued by any local, state, or federal agency,
4 including pursuant to section 29C.6.

5 Sec. 2. Section 96.7, subsection 12, Code 2026, is amended by
6 striking the subsection.

7 Sec. 3. Section 135.144, subsections 5 and 6, Code 2026, are
8 amended by striking the subsections.

9 Sec. 4. Section 135.144, subsections 7 and 8, Code 2026, are
10 amended to read as follows:

11 ~~7. Treat or order that individuals exposed to or infected~~
12 ~~with disease receive treatment or prophylaxis. Treatment~~
13 ~~or prophylaxis shall be administered by any qualified person~~
14 ~~authorized to do so by the department. Treatment or prophylaxis~~
15 ~~shall not be provided or ordered if the treatment or prophylaxis~~
16 ~~is reasonably likely to lead to serious harm to the affected~~
17 ~~individual. To prevent the spread of communicable or potentially~~
18 ~~communicable disease, the department may isolate or quarantine,~~
19 ~~pursuant to chapter 139A and the rules implementing chapter 139A~~
20 ~~and this subchapter, any individual who is infected with disease~~
21 ~~and unable or unwilling to undergo treatment or prophylaxis~~
22 ~~pursuant to this section. The department may recommend an~~
23 ~~individual exposed to disease receive treatment, isolate, or~~
24 ~~quarantine.~~

25 8. Isolate or quarantine individuals or groups of individuals
26 pursuant to ~~chapter 139A and the rules implementing chapter 139A~~
27 ~~and this subchapter~~ subsection 7.

28 Sec. 5. Section 239B.12, Code 2026, is amended to read as
29 follows:

30 **239B.12 Immunization.**

31 ~~4.~~ To the extent feasible, the department shall determine
32 the immunization status of children receiving assistance under
33 this chapter. ~~The status shall be determined in accordance with~~
34 ~~the immunization recommendations adopted under section 139A.8,~~
35 ~~including the exemption provisions in section 139A.8, subsection~~

1 ~~4. If the department determines a child is not in compliance~~
2 ~~with the immunization recommendations, the department shall refer~~
3 ~~the child's parent or guardian to a local public health agency~~
4 ~~for immunization services for the child and other members of the~~
5 ~~child's family.~~

6 ~~2. The department shall to determine immunization rates~~
7 ~~of participants, evaluate family investment program efforts~~
8 ~~to encourage immunizations, and develop strategies to further~~
9 ~~encourage immunization of participants.~~

10 Sec. 6. Section 256.7, subsection 15, Code 2026, is amended
11 by striking the subsection.

12 Sec. 7. Section 299.4, subsection 1, Code 2026, is amended to
13 read as follows:

14 1. The parent, guardian, or legal custodian of a child who
15 is of compulsory attendance age, who places the child under
16 competent private instruction under section 299A.2, not in an
17 accredited school or a home school assistance program operated by
18 a school district or accredited nonpublic school, shall furnish
19 a report in duplicate on forms provided by the public school
20 district, to the district by September 1 of the school year in
21 which the child will be under competent private instruction. The
22 secretary shall retain and file one copy and forward the other
23 copy to the district's area education agency. The report shall
24 state the name and age of the child, the period of time during
25 which the child has been or will be under competent private
26 instruction for the year, an outline of the course of study,
27 texts used, and the name and address of the instructor. The
28 parent, guardian, or legal custodian of a child, who is placing
29 the child under competent private instruction for the first time,
30 shall also provide ~~the district with evidence that the child has~~
31 ~~had the immunizations required under section 139A.8, and, if the~~
32 child is elementary school age, a blood lead test in accordance
33 with section 135.105D. The term "outline of course of study"
34 shall include subjects covered, lesson plans, and time spent on
35 the areas of study.

1 Sec. 8. REPEAL. Chapter 94, Code 2026, is repealed.

2 Sec. 9. REPEAL. Sections 96.5A, 139A.8, and 237A.3C, Code
3 2026, are repealed.

4 Sec. 10. CODE EDITOR DIRECTIVE. The Code editor shall amend
5 the title of chapter 27C, Code 2026, to read "Iowa Medical
6 Freedom Act".

7 Sec. 11. SEVERABILITY. The provisions of this Act are
8 severable pursuant to section 4.12.

9 Sec. 12. EFFECTIVE DATE. This Act, being deemed of immediate
10 importance, takes effect upon enactment.

11 EXPLANATION

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

14 This bill relates to the Iowa medical freedom Act.

15 The bill amends Code chapter 27C (proof of vaccination for
16 COVID-19). The bill strikes current provisions prohibiting the
17 required furnishing of proof of a vaccination for COVID-19 and
18 the prohibition against the awarding or renewal of grants or
19 contracts funded by state revenue to a business or government
20 entity that violates the provision.

21 The bill instead broadens the scope beyond furnishing proof
22 of having received a vaccination for COVID-19, and prohibits
23 the discrimination of a person based on whether the person has
24 received a medical intervention. A "medical intervention" is
25 defined as a health care procedure, treatment, device, drug
26 injection, medication, biologic, or action taken to diagnose,
27 prevent, maintain, or treat the health or biological function of
28 a person.

29 The bill prohibits a business from refusing to provide
30 a person a service, product, admission to a venue, or
31 transportation based on whether the person has received a medical
32 intervention. A business is also prohibited from requiring
33 medical intervention as a term of employment, unless the business
34 provides the employee notice as described in the bill. The bill
35 prohibits a business from imposing a surcharge or wage reduction,

1 or from discriminating against a person in compensation or
2 in term, condition, or privilege or employment based on the
3 employee's willingness to receive a medical intervention.

4 The bill prohibits a ticket issuer from penalizing,
5 discriminating against, or denying a person access to an
6 entertainment or public event based on whether the person has
7 received a medical intervention.

8 The bill prohibits an educational institution from mandating
9 a medical intervention for any person to attend, enter, or be
10 employed by the educational institution, unless the educational
11 institution provides an employee with notice as described in the
12 bill.

13 The bill prohibits a governmental entity from requiring any
14 person to receive a medical intervention. A governmental entity
15 may require an employee to receive a medical intervention if the
16 governmental entity provides notice to the employee as described
17 in the bill.

18 The bill prohibits a business, educational institution,
19 or governmental entity from providing any different ongoing
20 compensation, treatment, or benefits to an employee based on
21 whether the employee has received a medical intervention. A
22 business, educational institution, or governmental entity may
23 offer a one-time incentive related to medical interventions that
24 do not result in any different ongoing compensation or benefits
25 being provided to an employee based on whether the employee
26 receives a medical intervention.

27 The bill prohibits a healthy person from being excluded from
28 a public or private activity based on whether the person has
29 received a medical intervention.

30 The bill provides that a business, educational institution, or
31 governmental entity may require personal protective equipment as
32 part of occupational safety standards if certain requirements are
33 met. The bill prohibits a person from being compelled to wear
34 personal protective equipment for a purpose authorized solely by
35 emergency use authorization under the Federal Food, Drug, and

1 Cosmetic Act.

2 The attorney general or the county attorney for the county
3 where an alleged violation occurs may institute a civil action
4 to enforce this bill. If a court determines a violation of this
5 bill has occurred, the attorney general or the county attorney is
6 awarded attorney fees and costs incurred in pursuing the action.

7 The bill requires each appropriate state agency to ensure that
8 a business, ticket issuer, educational institution, or government
9 entity complies with this bill as a condition of obtaining a
10 license, permit, or other state authorization as necessary to
11 conduct business in Iowa.

12 The bill shall not be construed to prohibit compliance with
13 child welfare laws.

14 The bill applies at all times and will not be suspended,
15 nullified, or otherwise disregarded during any declared
16 emergency, public health crisis, or state of emergency issued by
17 any local, state, or federal agency.

18 The bill strikes Code section 96.7, subsection 12 (employee
19 discharge for refusal of COVID-19 vaccination and the effect
20 on the contribution rate and unemployment experience), and Code
21 section 135.144, subsections 5 and 6 (public health disaster
22 authority to order physical examinations and vaccinate against
23 infectious diseases). The bill also strikes the department of
24 health and human services' (HHS) authority to treat individuals
25 in the event of a public health disaster. The bill specifies
26 that HHS may isolate or quarantine an individual who is infected
27 with disease if the individual is unable or unwilling to undergo
28 treatment during a public health disaster. HHS may also
29 recommend an individual exposed to disease receive treatment,
30 isolate, or quarantine.

31 The bill repeals Code chapter 94 (COVID-19 vaccination
32 requirements by employers — waiver), and Code sections 96.5A
33 (refusal of COVID-19 vaccination — no disqualification for
34 unemployment benefits), 139A.8 (immunization of children —
35 required vaccinations), and 237A.3C (immunization information for

1 child care facilities), and makes conforming changes. Under
2 the bill, HHS also maintains the general authority to provide
3 recommendations for childhood vaccine schedules.

4 Provisions of the bill are severable pursuant to Code section
5 4.12. The bill takes effect upon enactment.

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