

House Study Bill 242 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
HOLT)

A BILL FOR

1 An Act relating to sex and gender, including those and related
2 terms for purposes of statutory construction, indications of a
3 person's sex on certain vital records, gender identity under
4 the Iowa civil rights Act, and school curricula related to
5 gender theory.

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

unofficial

1 Section 1. NEW SECTION. **4.1A Statutory construction — sex**
2 **and related terms.**

3 1. In the construction of statutes, the following rules shall
4 be observed with regard to a person's biological sex:

5 a. "Sex", when used to classify or describe a natural person,
6 means the state of being either male or female as observed or
7 clinically verified at birth.

8 b. When used in reference to a natural person, a "female"
9 means an individual who has, had, will have through the course
10 of normal development, or would have but for a developmental
11 anomaly, genetic anomaly, or accident, a reproductive system that
12 at some point produces ova, and a "male" means an individual who
13 has, had, will have through the course of normal development,
14 or would have but for a developmental anomaly, genetic anomaly,
15 or accident, a reproductive system that at some point produces
16 sperm.

17 c. The term "woman" or "girl" refers to a female and the term
18 "man" or "boy" refers to a male.

19 d. The term "mother" means a parent who is female and the
20 term "father" means a parent who is male.

21 e. "Gender", when used alone in reference to males, females,
22 or the natural differences between males and females shall be
23 considered a synonym for sex and shall not be considered a
24 synonym or shorthand expression for gender identity, experienced
25 gender, gender expression, or gender role.

26 f. The term "equal" does not mean "same" or "identical".

27 g. Separate accommodations are not inherently unequal.

28 h. A person born with a medically verifiable diagnosis of
29 disorder or difference of sex development shall be provided the
30 legal protections and accommodations afforded under the federal
31 Americans with Disabilities Act of 1990 and applicable state law.

32 2. Any state law, policy, or program that prohibits
33 discrimination on the basis of sex shall be construed to forbid
34 unfair treatment of females or males in relation to similarly
35 situated members of the opposite sex.

1 3. Notwithstanding any provision of state law to the
2 contrary, distinctions based on sex, including but not limited
3 to in prisons or other detention facilities, domestic violence
4 shelters, rape crisis centers, locker rooms, restrooms, and in
5 other contexts where health, safety, or privacy are implicated
6 resulting in separate accommodations, are substantially related
7 to the important government objectives of protecting the health,
8 safety, and privacy of the persons in these contexts.

9 4. Any state department or subunit of a department, or any
10 political subdivision of the state including a city, county,
11 township, or school district that collects vital statistics for
12 the purpose of complying with state antidiscrimination laws, or
13 for the purpose of gathering accurate state public health, crime,
14 economic, or other data, shall identify the sex of each person
15 included in the collected data as either male or female.

16 5. For the purposes of this section, "state law" includes any
17 state statute or rule.

18 Sec. 2. Section 84A.6, subsection 4, paragraph a, Code 2025,
19 is amended to read as follows:

20 a. The department of workforce development, in consultation
21 with the department of education, shall establish a system that
22 allows the department of education, school districts, charter
23 schools, area education agencies, and accredited nonpublic
24 schools to post job openings on an internet site. The system
25 must include a mechanism for the electronic submission of job
26 openings for posting on the internet site. The system and each
27 job posting on the internet site must include a statement that
28 an employer submitting a job opening for posting on the internet
29 site will not discriminate in hiring on the basis of race,
30 ethnicity, national origin, gender, age, physical disability,
31 sexual orientation, ~~gender identity~~, religion, marital status, or
32 status as a veteran.

33 Sec. 3. Section 144.13, Code 2025, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 5. A certificate of birth filed under this

1 section shall include a designation of the sex of the person.
2 "Sex" for purposes of this chapter means the same as defined in
3 section 4.1A. If the sex of the child cannot be determined at
4 birth, the time period for filing a certificate of birth shall
5 be extended for a period of no more than six months to allow the
6 parents to obtain any diagnosis or testing from a health care
7 provider as defined in section 144.29A, subsection 7, paragraph
8 "a", that is necessary to determine the child's sex.

9 Sec. 4. Section 144.23, Code 2025, is amended to read as
10 follows:

11 **144.23 State registrar to ~~issue~~ establish new certificate of**
12 **birth.**

13 1. The state registrar shall establish a new certificate of
14 birth for a person born in this state, when the state registrar
15 receives the following:

16 ~~1-~~ a. An adoption report as provided in section 144.19, or
17 a certified copy of the decree of adoption together with the
18 information necessary to identify the original certificate of
19 birth and to establish a new certificate of birth.

20 ~~2-~~ b. A request that a new certificate be established and
21 evidence proving that the person for whom the new certificate
22 is requested has been legitimated, or that a court of competent
23 jurisdiction has determined the paternity of the person.

24 ~~3-~~ ~~A notarized affidavit by a licensed physician and surgeon~~
25 ~~or osteopathic physician and surgeon stating that by reason of~~
26 ~~surgery or other treatment by the licensee, the sex designation~~
27 ~~of the person has been changed. The state registrar may make a~~
28 ~~further investigation or require further information necessary to~~
29 ~~determine whether a sex change has occurred.~~

30 2. Pursuant to section 4.1A, a new certificate of birth
31 established under subsection 1 shall include a designation of sex
32 of the person at birth.

33 Sec. 5. Section 144.24, subsections 1 and 2, Code 2025, are
34 amended to read as follows:

35 1. If a new certificate of birth is established, the actual

1 place and date of birth shall be shown on the certificate and
2 shall include a designation of the person's sex pursuant to
3 section 144.23. The certificate shall be substituted for the
4 original certificate of birth.

5 2. Following substitution of the original certificate of
6 birth with a new certificate of birth, the original certificate
7 and the evidence of adoption, paternity, or legitimation, ~~or sex~~
8 ~~change~~ shall not be subject to inspection except under order of a
9 court of competent jurisdiction, including but not limited to an
10 order issued pursuant to section 261I.2 or 600.16A, as provided
11 in section 144.23A or 144.24A, or as provided by administrative
12 rule for statistical or administrative purposes only.

13 Sec. 6. Section 144.31B, subsection 5, paragraph b,
14 subparagraph (2), Code 2025, is amended to read as follows:

15 (2) The name and ~~gender~~ sex, if known. If the name is
16 not furnished by the patient, the department shall complete the
17 certificate with the name "baby boy" or "baby girl" and the
18 last name of the patient. If the ~~gender~~ sex is unknown, the
19 department shall complete the certificate with the name "baby"
20 and the last name of the patient.

21 Sec. 7. Section 216.2, subsection 12, Code 2025, is amended
22 by striking the subsection.

23 Sec. 8. Section 216.6, subsection 1, paragraphs a, b, and c,
24 Code 2025, are amended to read as follows:

25 a. Person to refuse to hire, accept, register, classify, or
26 refer for employment, to discharge any employee, or to otherwise
27 discriminate in employment against any applicant for employment
28 or any employee because of the age, race, creed, color, sex,
29 sexual orientation, ~~gender identity~~, national origin, religion,
30 or disability of such applicant or employee, unless based upon
31 the nature of the occupation. If a person with a disability
32 is qualified to perform a particular occupation, by reason of
33 training or experience, the nature of that occupation shall
34 not be the basis for exception to the unfair or discriminatory
35 practices prohibited by this subsection.

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

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

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

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

30 Sec. 9. Section 216.6, subsection 6, paragraph d, Code 2025,
31 is amended to read as follows:

32 d. Any bona fide religious institution or its educational
33 facility, association, corporation, or society with respect
34 to any qualifications for employment based on religion, or
35 sexual orientation, ~~or gender identity~~ when such qualifications

1 are related to a bona fide religious purpose. A religious
2 qualification for instructional personnel or an administrative
3 officer, serving in a supervisory capacity of a bona fide
4 religious educational facility or religious institution, shall be
5 presumed to be a bona fide occupational qualification.

6 Sec. 10. Section 216.6A, subsection 1, paragraph a,
7 unnumbered paragraph 1, Code 2025, is amended to read as follows:

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

14 Sec. 11. Section 216.6A, subsection 1, paragraph b, Code
15 2025, is amended to read as follows:

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

21 Sec. 12. Section 216.6A, subsection 2, paragraph a, Code
22 2025, is amended to read as follows:

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

1 Sec. 13. Section 216.6A, subsection 3, paragraph d, Code
2 2025, is amended to read as follows:

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

7 Sec. 14. Section 216.7, subsection 1, paragraphs a and b,
8 Code 2025, are amended to read as follows:

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

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

22 Sec. 15. Section 216.7, subsection 2, paragraph a, Code 2025,
23 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. 16. Section 216.8, subsection 1, paragraphs a, b, c, and
29 d, Code 2025, 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 real
32 property or housing accommodation or part, portion, or interest
33 therein, to any person because of the race, color, creed, sex,
34 sexual orientation, ~~gender identity~~, religion, national origin,
35 disability, or familial status of such person.

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

10 c. To directly or indirectly advertise, or in any other
11 manner indicate or publicize that the purchase, rental, lease,
12 assignment, or sublease of any real property or housing
13 accommodation or any part, portion, or interest therein,
14 by persons of any particular race, color, creed, sex,
15 sexual 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, sex,
23 sexual orientation, ~~gender identity~~, disability, age, or national
24 origin of persons who may from time to time be present in or
25 on the lessee's or owner's premises for lawful purposes at the
26 invitation of the lessee or owner as friends, guests, visitors,
27 relatives, or in any similar capacity.

28 Sec. 17. Section 216.8A, subsections 1, 2, and 5, Code 2025,
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 of
33 a particular race, color, creed, sex, sexual orientation, ~~gender~~
34 ~~identity~~, religion, national origin, disability, or familial
35 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 a
4 dwelling is not available for inspection, sale, or rental when
5 the dwelling is available for inspection, sale, or rental.

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

15 Sec. 18. Section 216.8A, subsection 4, paragraph a, Code
16 2025, is amended to read as follows:

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

24 Sec. 19. Section 216.9, subsection 1, unnumbered paragraph 1,
25 Code 2025, is amended to read as follows:

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

32 Sec. 20. Section 216.9, subsection 2, Code 2025, is amended
33 to read as follows:

34 2. For the purpose of this section, "educational institution"
35 includes any preschool, elementary or secondary school, community

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

11 Sec. 21. Section 216.10, subsection 1, paragraphs a, b, and
12 c, Code 2025, are amended to read as follows:

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

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

27 c. Creditor to refuse to offer credit life or health and
28 accident insurance because of color, creed, national origin,
29 race, religion, marital status, age, physical disability, sex,
30 sexual orientation, ~~gender identity~~, or familial status. Refusal
31 by a creditor to offer credit life or health and accident
32 insurance based upon the age or physical disability of the
33 consumer shall not be an unfair or discriminatory practice
34 if such denial is based solely upon bona fide underwriting
35 considerations not prohibited by Title XIII, subtitle 1.

1 Sec. 22. Section 216.12, subsection 1, paragraph a, Code
2 2025, is amended to read as follows:

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

10 Sec. 23. Section 216.12A, Code 2025, is amended to read as
11 follows:

12 **216.12A Additional housing exception.**

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

18 Sec. 24. Section 256E.7, subsection 2, paragraphs a and p,
19 Code 2025, are amended to read as follows:

20 a. Meet all applicable federal, state, and local health and
21 safety requirements and laws prohibiting discrimination on the
22 basis of race, creed, color, sex, sexual orientation, ~~gender~~
23 ~~identity~~, national origin, religion, ancestry, or disability.
24 If approved under section 256E.4, the charter school shall be
25 subject to any court-ordered desegregation in effect for the
26 school district at the time the charter school application is
27 approved, unless otherwise specifically provided for in the
28 desegregation order.

29 p. Be subject to and comply with the requirements of section
30 279.80 relating to sexual orientation and gender identity theory
31 instruction in kindergarten through grade six in the same manner
32 as a school district.

33 Sec. 25. Section 256F.4, subsection 2, paragraphs a and n,
34 Code 2025, are amended to read as follows:

35 a. Meet all applicable federal, state, and local health and

1 safety requirements and laws prohibiting discrimination on the
2 basis of race, creed, color, sex, sexual orientation, gender
3 ~~identity~~, national origin, religion, ancestry, or disability.
4 A charter school or innovation zone school located within
5 the boundaries of a school district subject to court-ordered
6 desegregation at the time the charter school or innovation
7 zone school application is approved shall be subject to the
8 desegregation order unless otherwise specifically provided for in
9 the desegregation order.

10 n. Be subject to and comply with the requirements of section
11 279.80 relating to sexual orientation and gender ~~identity~~ theory
12 instruction in kindergarten through grade six in the same manner
13 as a school district.

14 Sec. 26. Section 261I.1, subsection 3, Code 2025, is amended
15 to read as follows:

16 3. "Sex" means ~~a person's biological sex as either female or~~
17 ~~male~~ the same as defined in section 4.1A. The sex listed on a
18 student's official birth certificate or certificate issued upon
19 adoption ~~may be relied upon~~ shall be considered presumptively
20 correct if the certificate was issued at or near the time of the
21 student's birth.

22 Sec. 27. Section 279.78, subsection 1, paragraph a, Code
23 2025, is amended to read as follows:

24 a. "Gender identity" means ~~the same as defined in section~~
25 ~~216.2~~ an individual's subjective identification as male, female,
26 or neither male nor female. Gender identity shall not be
27 considered a synonym or substitute for sex or gender.

28 Sec. 28. Section 279.80, Code 2025, is amended to read as
29 follows:

30 **279.80 Sexual orientation and gender ~~identity~~ theory —**
31 **prohibited instruction.**

32 1. As used in this section:

33 a. ~~"Gender identity"~~ "Gender theory" means the same as
34 ~~defined in section 216.2~~ concept that an individual may properly
35 be described in terms of an internal sense of gender that is

1 incongruent with the individual's sex as either male or female.
2 "Gender theory" includes the concept that an individual who
3 experiences distress or discomfort with the individual's sex
4 should identify as and live consistent with the individual's
5 internal sense of gender, and that an individual can delay
6 natural puberty and develop sex characteristics of the opposite
7 sex through the use of puberty blockers, cross-sex hormones, and
8 surgical procedures.

9 b. "Sexual orientation" means the same as defined in section
10 216.2.

11 2. A school district shall not provide any program,
12 curriculum, test, survey, questionnaire, promotion, or
13 instruction relating to gender identity theory or sexual
14 orientation to students in kindergarten through grade six.

15 Sec. 29. Section 280.33, subsection 1, paragraph c, Code
16 2025, is amended to read as follows:

17 c. "~~Sex~~" means ~~a person's biological sex as female or male,~~
18 as the same as defined in section 4.1A. The sex listed on
19 a person's official birth certificate or certificate issued
20 upon adoption shall be considered presumptively correct if the
21 certificate was issued at or near the time of the person's birth.

22 Sec. 30. SEVERABILITY. If any provision of this Act is held
23 invalid, the invalidity shall not affect other provisions or
24 applications of this Act which can be given effect without the
25 invalid provision or application, and to this end the provisions
26 of this Act are severable as provided in section 4.12.

27 EXPLANATION

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

30 This bill relates to sex and gender, including those and
31 related terms for purposes of statutory construction, indications
32 of a person's sex on certain vital records, gender identity under
33 the Iowa civil rights Act, and school curricula related to gender
34 theory.

35 The bill creates a new Code section 4.1A (statutory

1 construction — sex and related terms). The bill provides that
2 certain rules of statutory construction shall be observed with
3 regard to a person's sex. These rules with regard to a person's
4 sex include:

5 1. The term "sex", when used to classify or describe a
6 natural person, means the state of being either male or female
7 as observed or clinically verified at birth.

8 2. When used in reference to a natural person, the
9 term "female" means an individual who has, had, will have
10 through the course of normal development, or would have but
11 for a developmental anomaly, genetic anomaly, or accident,
12 a reproductive system that at some point produces ova, and
13 the term "male" means an individual who has, had, will have
14 through the course of normal development, or would have but
15 for a developmental anomaly, genetic anomaly, or accident a
16 reproductive system that at some point produces sperm.

17 3. The term "woman" or "girl" refers to a female and the term
18 "man" or "boy" refers to a male.

19 4. The term "mother" means a parent who is female and the
20 term "father" means a parent who is male.

21 5. The term "gender", when used alone in reference to
22 males, females, or the natural differences between males and
23 females shall be considered a synonym for sex and shall not be
24 considered a synonym or shorthand expression for gender identity,
25 experienced gender, gender expression, or gender role.

26 6. The term "equal" does not mean "same" or "identical".

27 7. Separate accommodations are not inherently unequal.

28 8. A person born with a medically verifiable diagnosis of
29 disorder or difference of sex development shall be provided the
30 legal protections and accommodations afforded under the federal
31 Americans with Disabilities Act of 1990 and applicable state law.

32 Additionally, under the bill, any state law, policy, or
33 program that prohibits discrimination on the basis of sex
34 shall be construed to forbid unfair treatment of females or
35 males in relation to similarly situated members of the opposite

1 sex. Notwithstanding any provision of state law to the
2 contrary, distinctions based on sex in various contexts where
3 health, safety, or privacy are implicated resulting in separate
4 accommodations, are substantially related to the important
5 government objectives of protecting the health, safety, and
6 privacy of the persons in these contexts. In addition, any
7 state department or subunit of a department, or any political
8 subdivision of the state including a city, county, township, or
9 school district that collects vital statistics for the purpose of
10 complying with state antidiscrimination laws or for the purpose
11 of gathering accurate state public health, crime, economic, or
12 other data, shall identify the sex of each person included in the
13 collected data as either male or female.

14 The bill defines "state law" for the purposes of new Code
15 section 4.1A.

16 The bill also amends provisions under Code chapter 144 (vital
17 statistics). The bill requires that an original certificate
18 of birth shall include a designation of the sex of the
19 person as defined in new Code section 4.1A. With regard to
20 a new certificate of birth, if a new certificate of birth
21 is established after the state registrar receives an adoption
22 report or a certified copy of an adoption decree or following
23 a determination of paternity, the new certificate of birth
24 shall include a designation of sex of the person at birth; and
25 if a new certificate of birth is established after the state
26 registrar receives a notarized affidavit by a licensed physician
27 and surgeon or osteopathic physician and surgeon stating that by
28 reason of surgery or other treatment by the licensee, the sex
29 designation of the person has been changed, the new certificate
30 of birth shall include a designation of the sex of the person
31 both at the time of birth and at the time of establishment of the
32 new certificate of birth.

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

1 person, including gender identity. A person who claims to be
2 aggrieved by an unfair or discriminatory practice prohibited by
3 Code chapter 216 may file a complaint with the Iowa civil rights
4 commission. Code chapter 216 provides various remedies for such
5 practices. Code chapter 216 defines "gender identity" as the
6 gender-related identity of a person, regardless of the person's
7 assigned sex at birth.

8 For purposes of Code chapter 216, the bill removes gender
9 identity as a protected class. The bill also removes
10 gender identity as a protected class in the prohibition of
11 discrimination under federal, state, and local law for charter
12 schools and innovation schools.

13 Under current Code section 279.80, school districts,
14 accredited nonpublic schools, charter schools, and innovation
15 zone schools are prohibited from providing instruction related
16 to gender identity and sexual orientation to students in
17 kindergarten through grade six. The bill replaces the term
18 "gender identity" with the term "gender theory" and defines
19 "gender theory".

20 The bill makes conforming changes related to the strike of the
21 definition of gender identity in the Code.

22 The bill provides that its provisions are severable pursuant
23 to Code section 4.12.