

Senate File 156 - Introduced

SENATE FILE 156
BY WESTRICH

A BILL FOR

1 An Act relating to policies for certain private spaces in
2 facilities of public entities, providing penalties, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **135E.1 Definitions.**

2 For purposes of this chapter:

3 1. "*Biological sex*" means the biological condition of being
4 male or female, as determined by any of the following:

5 a. The chromosomes, sex organs, and endogenous profiles of a
6 person.

7 b. A person's original birth certificate, if the biological
8 sex is correctly stated on the birth certificate as indicated by
9 the biological sex being entered at or near the time of birth and
10 modified only to correct a clerical error.

11 2. "*Private space*" means a facility designed or designated
12 for use by more than one person at a time, where a person may
13 be in a state of undress in the presence of another person,
14 regardless of whether the facility provides curtains or partial
15 walls for privacy. "*Private space*" includes but is not limited
16 to a restroom, locker room, changing room, shower room, or
17 sleeping quarter.

18 3. "*Single-occupancy private space*" means a facility designed
19 or designated for use by only one person at a time, where a
20 person may be in a state of undress, including but not limited
21 to a single toilet restroom with a locking door or a sleeping
22 quarter that accommodates a single occupant.

23 4. "*State entity*" means the state, including but not limited
24 to a state agency, department, division, board, commission,
25 institution, or authority; a city; a county; a township; or any
26 other political subdivision or special district in this state as
27 established pursuant to state or local law. "*State entity*" does
28 not include a public school to the extent the public school is
29 governed by section 280.33.

30 Sec. 2. NEW SECTION. **135E.2 Designation and use of private**
31 **spaces.**

32 1. A state entity shall require each private space located
33 within a facility owned, operated, or controlled by the state
34 entity to be designated only for and used by persons of the same
35 biological sex.

1 2. This section shall not be construed to prohibit a state
2 entity from doing any of the following:

3 a. Adopting policies necessary to accommodate persons
4 protected under the federal Americans with Disabilities Act of
5 1990, young children in need of assistance, or elderly persons in
6 need of assistance.

7 b. Establishing a single-occupancy private space or a family
8 restroom, changing room, or sleeping quarter.

9 c. Redesignating a private space designated for exclusive use
10 by one biological sex to a designation for exclusive use by the
11 opposite biological sex.

12 d. Providing an accommodation, including a single-occupancy
13 private space, on request due to special circumstances. The
14 state entity shall not provide an accommodation under this
15 paragraph that allows a person to use a private space designated
16 for the biological sex opposite to the person's biological sex.

17 Sec. 3. NEW SECTION. **135E.3 Use by opposite biological sex**
18 **prohibited — penalty — exceptions.**

19 1. A person shall not enter a private space located within a
20 facility owned, operated, or controlled by a state entity that is
21 designated for use by persons of the opposite biological sex.

22 2. Subsection 1 does not apply to any of the following:

23 a. A person entering a private space designated for the
24 biological sex opposite to the person's biological sex for any
25 of the following reasons:

26 (1) A custodial purpose.

27 (2) A maintenance or inspection purpose.

28 (3) To render medical or other emergency assistance.

29 (4) To accompany a person needing assistance in using the
30 facility.

31 (5) To receive assistance in using the facility.

32 b. A child entering a private space designated for the
33 biological sex opposite to the child's biological sex if the
34 child is younger than ten years of age and accompanying a person
35 caring for the child.

1 3. A person who violates subsection 1 is guilty of a simple
2 misdemeanor. However, a person who violates subsection 1 for
3 purposes of sexual gratification is guilty of an aggravated
4 misdemeanor.

5 Sec. 4. NEW SECTION. **135E.4 Civil penalty.**

6 1. A state entity that violates this chapter is subject to a
7 civil penalty not to exceed five thousand dollars for the first
8 violation and not to exceed twenty-five thousand dollars for a
9 subsequent violation.

10 2. Civil penalties collected by the attorney general under
11 this chapter shall be deposited in the victim compensation fund
12 established under section 915.94.

13 Sec. 5. NEW SECTION. **135E.5 Complaint.**

14 1. A resident of this state may file a complaint with
15 the office of the attorney general that a state entity is in
16 violation of this chapter if all of the following apply:

17 a. The person provides the state entity a written notice that
18 describes the violation.

19 b. The state entity does not cure the violation before the
20 end of the third business day after the date of receiving the
21 written notice.

22 2. A complaint filed under this section must include all of
23 the following:

24 a. A copy of the written notice.

25 b. The person's sworn statement or affidavit describing the
26 violation and indicating that the person provided the notice
27 required by this section.

28 Sec. 6. NEW SECTION. **135E.6 Duties of attorney general.**

29 1. The attorney general shall investigate a complaint filed
30 under section 135E.5 to determine whether legal action is
31 warranted.

32 2. The state entity that is the subject of the complaint
33 shall provide to the attorney general any information the
34 attorney general requests in connection with the complaint,
35 including but not limited to all of the following:

1 a. A supporting document related to the complaint.

2 b. A statement regarding whether the entity has complied or
3 intends to comply with this chapter.

4 3. If the attorney general determines that legal action is
5 warranted, the attorney general shall provide the appropriate
6 officer of the state entity charged with the violation a written
7 notice that includes all of the following:

8 a. A description of the violation and the location of the
9 private space found to be in violation.

10 b. The amount of the proposed penalty for the violation.

11 c. A notice that the state entity must cure the violation on
12 or before the fifteenth day after the date the notice under this
13 subsection is received to avoid the penalty.

14 Sec. 7. NEW SECTION. **135E.7 Enforcement.**

15 1. If, after receipt of the notice under section 135E.6,
16 the state entity has not cured the violation on or before the
17 fifteenth day after the date the notice is provided, the attorney
18 general may take legal action necessary to collect the civil
19 penalty provided by section 135E.4.

20 2. In addition to legal action under subsection 1, the
21 attorney general may seek an injunction or apply for other
22 appropriate equitable relief.

23 3. Legal action under this section shall be brought and
24 maintained in the district court of Polk county, Iowa, or
25 the district court of the county in which the state entity's
26 principal office is located.

27 4. The attorney general shall recover reasonable expenses
28 incurred in obtaining relief under this section, including
29 but not limited to court costs, reasonable attorney fees,
30 investigative costs, witness fees, and deposition costs.

31 5. A person may bring a civil action for declaratory relief,
32 injunctive relief, and reasonable attorney fees and court costs
33 against a state entity that violates this chapter.

34 Sec. 8. NEW SECTION. **135E.8 Actions challenging privacy**
35 **laws.**

1 1. Notwithstanding any provision of law to the contrary, a
2 person who seeks declaratory or injunctive relief to prevent a
3 state entity from enforcing this chapter shall be liable to pay
4 the court costs and reasonable attorney fees of the prevailing
5 party, including the costs and reasonable attorney fees that the
6 prevailing party incurs in its efforts to recover court costs and
7 attorney fees.

8 2. For purposes of this section, a party is considered a
9 prevailing party if a state or federal court does any of the
10 following:

11 a. Dismisses a claim or cause of action brought against the
12 party that seeks the declaratory or injunctive relief described
13 by subsection 1, regardless of the reason for the dismissal.

14 b. Enters judgment in the party's favor on a claim or cause
15 of action.

16 3. A prevailing party may recover court costs and attorney
17 fees under this section only to the extent that those court costs
18 and attorney fees were incurred while defending a claim or cause
19 of action on which the party prevailed.

20 Sec. 9. Section 216.9A, Code 2025, is amended to read as
21 follows:

22 **~~216.9A Single and multiple occupancy restrooms or changing~~**
23 **~~areas in schools~~ Private spaces of public entities — use by**
24 **persons of same biological sex.**

25 It shall not be an unfair or discriminatory practice for a
26 ~~school~~ an entity governed by chapter 135E or section 280.33 to
27 require a ~~single or multiple occupancy restroom or changing area~~
28 space governed by chapter 135E or section 280.33 to be designated
29 only for and used by persons of the same biological sex as
30 provided in chapter 135E and section 280.33. It shall not be
31 an unfair or discriminatory practice to prohibit a person from
32 using such a ~~single or multiple occupancy restroom or changing~~
33 area space that does not correspond with the person's biological
34 sex as provided in chapter 135E and section 280.33.

35 Sec. 10. EFFECTIVE DATE. This Act, being deemed of immediate

1 importance, takes effect upon enactment.

2 EXPLANATION

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

5 This bill requires state entities, defined to include cities
6 and counties, but to exclude public schools to the extent
7 governed under current law, to designate each private space
8 located within a facility owned, operated, or controlled by the
9 state entity for use only by persons of a single biological sex.
10 However, a state entity may still provide for single-occupancy
11 private spaces, and for family restrooms, changing rooms, or
12 sleeping quarters.

13 The bill prohibits a person from entering a private space
14 located within a facility owned, operated, or controlled by
15 a state entity that is designated for use by persons of
16 the opposite biological sex. The bill provides exceptions
17 for custodial, maintenance, inspection, medical, and emergency
18 purposes, for individuals in need of or providing assistance,
19 and for children under the age of 10 who are accompanying
20 a caregiver. A violation of this provision is a simple
21 misdemeanor; however, if it is for purposes of sexual
22 gratification, the violation is an aggravated misdemeanor. A
23 simple misdemeanor is punishable by confinement for no more than
24 30 days and a fine of at least \$105 but not more than \$855,
25 and an aggravated misdemeanor is punishable by confinement for no
26 more than two years and a fine of at least \$855 but not more than
27 \$8,540.

28 The bill provides that a state entity that violates the bill's
29 provisions is subject to a civil penalty of \$5,000 for the
30 first violation and \$25,000 for each subsequent violation. Civil
31 penalties collected by the attorney general under the bill must
32 be deposited in the victim compensation fund.

33 The bill allows a resident of the state to file a complaint
34 with the attorney general concerning a violation of the bill by a
35 state entity if the person has given written notice to the state

1 entity describing the violation and the state entity does not
2 cure the violation within three business days after receiving the
3 written notice. The attorney general is required to investigate
4 the claim of a violation, and a state entity must provide any
5 information the attorney general requests in connection with the
6 complaint.

7 The bill requires the attorney general to provide a notice to
8 the state entity if the attorney general finds that legal action
9 is warranted. If the state entity does not cure the violation
10 within 15 days of receiving the notice, the attorney general
11 may take necessary legal action. In addition to collecting the
12 civil penalty, the attorney general may recover court costs and
13 reasonable attorney fees.

14 The bill permits a person to bring a civil action for
15 declaratory relief, injunctive relief, and reasonable attorney
16 fees and court costs against a state entity that violates the
17 bill. The bill requires a person who seeks declaratory or
18 injunctive relief to prevent a state entity from enforcing the
19 bill to pay the court costs and attorney fees of the prevailing
20 party.

21 The bill provides that a state entity requiring a private
22 space to be designated and used by persons of the same biological
23 sex does not constitute an unfair or discriminatory practice in
24 violation of the Iowa civil rights Act, Code chapter 216.

25 The bill takes effect upon enactment.