

Senate File 418 - Introduced

SENATE FILE 418
BY SCHULTZ

A BILL FOR

1 An Act relating to sex and gender, including those and related
2 terms for purposes of statutory construction, indications
3 of a person's sex on certain vital records, gender identity
4 under the Iowa civil rights Act, and school curricula
5 related to gender theory.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

5 a. "*Sex*", when used to classify or describe a natural
6 person, means the state of being either male or female as
7 observed or 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
12 that at some point produces ova, and a "*male*" means an
13 individual who has, had, will have through the course of normal
14 development, or would have but for a developmental anomaly,
15 genetic anomaly, or accident, a reproductive system that at
16 some point produces sperm.

17 c. The term "*woman*" or "*girl*" refers to a female and the
18 term "*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
23 be considered a synonym for sex and shall not be considered
24 a synonym or shorthand expression for gender identity,
25 experienced 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
32 law.

33 2. Any state law, policy, or program that prohibits
34 discrimination on the basis of sex shall be construed to forbid
35 unfair or discriminatory practices against females or males in

1 relation to similarly situated members of the opposite sex.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Sec. 7. Section 216.2, subsection 12, Code 2025, is amended
24 by striking the subsection.

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

27 a. Person to refuse to hire, accept, register, classify,
28 or refer for employment, to discharge any employee, or to
29 otherwise discriminate in employment against any applicant
30 for employment or any employee because of the age, race,
31 creed, color, sex, sexual orientation, ~~gender-identity~~,
32 national origin, religion, or disability of such applicant or
33 employee, unless based upon the nature of the occupation. If a
34 person with a disability is qualified to perform a particular
35 occupation, by reason of training or experience, the nature

1 of that occupation shall not be the basis for exception to
2 the unfair or discriminatory practices prohibited by this
3 subsection.

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

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

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

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

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

1 *d.* Any bona fide religious institution or its educational
2 facility, association, corporation, or society with respect
3 to any qualifications for employment based on religion, or
4 sexual orientation, ~~or gender identity~~ when such qualifications
5 are related to a bona fide religious purpose. A religious
6 qualification for instructional personnel or an administrative
7 officer, serving in a supervisory capacity of a bona fide
8 religious educational facility or religious institution, shall
9 be presumed to be a bona fide occupational qualification.

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

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

19 Sec. 11. Section 216.6A, subsection 1, paragraph b, Code
20 2025, is amended to read as follows:

21 *b.* The general assembly declares that it is the policy
22 of this state to correct and, as rapidly as possible, to
23 eliminate, discriminatory wage practices based on age, race,
24 creed, color, sex, sexual orientation, ~~gender identity~~,
25 national origin, religion, and disability.

26 Sec. 12. Section 216.6A, subsection 2, paragraph a, Code
27 2025, is amended to read as follows:

28 *a.* It shall be an unfair or discriminatory practice for any
29 employer or agent of any employer to discriminate against any
30 employee because of the age, race, creed, color, sex, sexual
31 orientation, ~~gender identity~~, national origin, religion, or
32 disability of such employee by paying wages to such employee
33 at a rate less than the rate paid to other employees who are
34 employed within the same establishment for equal work on jobs,
35 the performance of which requires equal skill, effort, and

1 responsibility, and which are performed under similar working
2 conditions. An employer or agent of an employer who is paying
3 wages to an employee at a rate less than the rate paid to other
4 employees in violation of **this section** shall not remedy the
5 violation by reducing the wage rate of any employee.

6 Sec. 13. Section 216.6A, subsection 3, paragraph d, Code
7 2025, is amended to read as follows:

8 d. Pay differential is based on any other factor other than
9 the age, race, creed, color, sex, sexual orientation, ~~gender~~
10 ~~identity~~, national origin, religion, or disability of such
11 employee.

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

14 a. To refuse or deny to any person because of race,
15 creed, color, sex, sexual orientation, ~~gender identity~~,
16 national origin, religion, or disability the accommodations,
17 advantages, facilities, services, or privileges thereof,
18 or otherwise to discriminate against any person because of
19 race, creed, color, sex, sexual orientation, ~~gender identity~~,
20 national origin, religion, or disability in the furnishing
21 of such accommodations, advantages, facilities, services, or
22 privileges.

23 b. To directly or indirectly advertise or in any other
24 manner indicate or publicize that the patronage of persons of
25 any particular race, creed, color, sex, sexual orientation,
26 ~~gender identity~~, national origin, religion, or disability is
27 unwelcome, objectionable, not acceptable, or not solicited.

28 Sec. 15. Section 216.7, subsection 2, paragraph a, Code
29 2025, is amended to read as follows:

30 a. Any bona fide religious institution with respect to any
31 qualifications the institution may impose based on religion, or
32 sexual orientation, ~~or gender identity~~ when such qualifications
33 are related to a bona fide religious purpose.

34 Sec. 16. Section 216.8, subsection 1, paragraphs a, b, c,
35 and d, Code 2025, are amended to read as follows:

1 *a.* To refuse to sell, rent, lease, assign, sublease, refuse
2 to negotiate, or to otherwise make unavailable, or deny any
3 real property or housing accommodation or part, portion, or
4 interest therein, to any person because of the race, color,
5 creed, sex, sexual orientation, ~~gender identity~~, religion,
6 national origin, disability, or familial status of such person.

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

16 *c.* To directly or indirectly advertise, or in any other
17 manner indicate or publicize that the purchase, rental,
18 lease, assignment, or sublease of any real property or housing
19 accommodation or any part, portion, or interest therein, by
20 persons of any particular race, color, creed, sex, sexual
21 orientation, ~~gender identity~~, religion, national origin,
22 disability, or familial status is unwelcome, objectionable, not
23 acceptable, or not solicited.

24 *d.* To discriminate against the lessee or purchaser of any
25 real property or housing accommodation or part, portion, or
26 interest of the real property or housing accommodation, or
27 against any prospective lessee or purchaser of the property or
28 accommodation, because of the race, color, creed, religion,
29 sex, sexual orientation, ~~gender identity~~, disability, age, or
30 national origin of persons who may from time to time be present
31 in or on the lessee's or owner's premises for lawful purposes
32 at the invitation of the lessee or owner as friends, guests,
33 visitors, relatives, or in any similar capacity.

34 Sec. 17. Section 216.8A, subsections 1, 2, and 5, Code 2025,
35 are amended to read as follows:

1 1. A person shall not induce or attempt to induce another
2 person to sell or rent a dwelling by representations regarding
3 the entry or prospective entry into a neighborhood of a person
4 of a particular race, color, creed, sex, sexual orientation,
5 ~~gender identity~~, religion, national origin, disability, or
6 familial status.

7 2. A person shall not represent to a person of a particular
8 race, color, creed, sex, sexual orientation, ~~gender identity~~,
9 religion, national origin, disability, or familial status that
10 a dwelling is not available for inspection, sale, or rental
11 when the dwelling is available for inspection, sale, or rental.

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

21 Sec. 18. Section 216.8A, subsection 4, paragraph a, Code
22 2025, is amended to read as follows:

23 a. A person whose business includes engaging in residential
24 real estate related transactions shall not discriminate
25 against a person in making a residential real estate
26 related transaction available or in terms or conditions of
27 a residential real estate related transaction because of
28 race, color, creed, sex, sexual orientation, ~~gender identity~~,
29 religion, national origin, disability, or familial status.

30 Sec. 19. Section 216.9, subsection 1, unnumbered paragraph
31 1, Code 2025, is amended to read as follows:

32 It is an unfair or discriminatory practice for any
33 educational institution to discriminate on the basis of
34 race, creed, color, sex, sexual orientation, ~~gender identity~~,
35 national origin, religion, or disability in any program or

1 activity. Such discriminatory practices shall include but not
2 be limited to the following practices:

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

5 2. For the purpose of [this section](#), "*educational*
6 *institution*" includes any preschool, elementary or secondary
7 school, community college, area education agency, or
8 postsecondary college or university and their governing boards.
9 This section does not prohibit an educational institution
10 from maintaining separate toilet facilities, locker rooms, or
11 living facilities for the different sexes so long as comparable
12 facilities are provided. Nothing in [this section](#) shall be
13 construed as prohibiting any bona fide religious institution
14 from imposing qualifications based on religion, or sexual
15 orientation, ~~or gender identity~~ when such qualifications are
16 related to a bona fide religious purpose or any institution
17 from admitting students of only one sex.

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

20 a. Creditor to refuse to enter into a consumer credit
21 transaction or impose finance charges or other terms or
22 conditions more onerous than those regularly extended by that
23 creditor to consumers of similar economic backgrounds because
24 of age, color, creed, national origin, race, religion, marital
25 status, sex, sexual orientation, ~~gender identity~~, physical
26 disability, or familial status.

27 b. Person authorized or licensed to do business in this
28 state pursuant to [chapter 524](#), [533](#), [536](#), or [536A](#) to refuse
29 to loan or extend credit or to impose terms or conditions
30 more onerous than those regularly extended to persons of
31 similar economic backgrounds because of age, color, creed,
32 national origin, race, religion, marital status, sex, sexual
33 orientation, ~~gender identity~~, physical disability, or familial
34 status.

35 c. Creditor to refuse to offer credit life or health and

1 accident insurance because of color, creed, national origin,
2 race, religion, marital status, age, physical disability,
3 sex, sexual orientation, ~~gender identity~~, or familial status.
4 Refusal by a creditor to offer credit life or health and
5 accident insurance based upon the age or physical disability of
6 the consumer shall not be an unfair or discriminatory practice
7 if such denial is based solely upon bona fide underwriting
8 considerations not prohibited by [Title XIII, subtitle 1](#).

9 Sec. 22. Section 216.12, subsection 1, paragraph a, Code
10 2025, is amended to read as follows:

11 a. Any bona fide religious institution with respect to
12 any qualifications it may impose based on religion, or sexual
13 orientation, ~~or gender identity~~, when the qualifications are
14 related to a bona fide religious purpose, unless the religious
15 institution owns or operates property for a commercial purpose
16 or membership in the religion is restricted on account of race,
17 color, or national origin.

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

20 **216.12A Additional housing exception.**

21 Sections 216.8 and [216.8A](#) do not prohibit a person engaged
22 in the business of furnishing appraisals of real estate from
23 taking into consideration factors other than race, color,
24 creed, sex, sexual orientation, ~~gender identity~~, religion,
25 national origin, disability, or familial status in appraising
26 real estate.

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

29 a. Meet all applicable federal, state, and local health and
30 safety requirements and laws prohibiting discrimination on the
31 basis of race, creed, color, sex, sexual orientation, ~~gender~~
32 ~~identity~~, national origin, religion, ancestry, or disability.
33 If approved under [section 256E.4](#), the charter school shall be
34 subject to any court-ordered desegregation in effect for the
35 school district at the time the charter school application is

1 approved, unless otherwise specifically provided for in the
2 desegregation order.

3 *p.* Be subject to and comply with the requirements of section
4 279.80 relating to sexual orientation and gender ~~identity~~
5 theory instruction in kindergarten through grade six in the
6 same manner as a school district.

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

9 *a.* Meet all applicable federal, state, and local health and
10 safety requirements and laws prohibiting discrimination on the
11 basis of race, creed, color, sex, sexual orientation, ~~gender~~
12 ~~identity~~, national origin, religion, ancestry, or disability.
13 A charter school or innovation zone school located within
14 the boundaries of a school district subject to court-ordered
15 desegregation at the time the charter school or innovation
16 zone school application is approved shall be subject to the
17 desegregation order unless otherwise specifically provided for
18 in the desegregation order.

19 *n.* Be subject to and comply with the requirements of section
20 279.80 relating to sexual orientation and gender ~~identity~~
21 theory instruction in kindergarten through grade six in the
22 same manner as a school district.

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

25 3. "~~Sex~~" means ~~a person's biological sex as either female or~~
26 ~~male~~ the same as defined in section 4.1A. The sex listed on a
27 student's official birth certificate or certificate issued upon
28 adoption ~~may be relied upon~~ shall be considered presumptively
29 correct if the certificate was issued at or near the time of
30 the student's birth.

31 Sec. 27. Section 279.78, subsection 1, paragraph a, Code
32 2025, is amended to read as follows:

33 *a.* "~~Gender identity~~" means ~~the same as defined in section~~
34 ~~216.2~~ an individual's subjective identification as male,
35 female, or neither male nor female. Gender identity shall not

1 be considered a synonym or substitute for sex or gender.

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

4 **279.80 Sexual orientation and gender identity theory —**
5 **prohibited instruction.**

6 1. As used in this section:

7 *a. “Gender identity” “Gender theory” means the same as*
8 *defined in section 216.2 concept that an individual may*
9 *properly be described in terms of an internal sense of gender*
10 *that is incongruent with the individual’s sex as either*
11 *male or female. “Gender theory” includes the concept that*
12 *an individual who experiences distress or discomfort with*
13 *the individual’s sex should identify as and live consistent*
14 *with the individual’s internal sense of gender, and that*
15 *an individual can delay natural puberty and develop sex*
16 *characteristics of the opposite sex through the use of puberty*
17 *blockers, cross-sex hormones, and surgical procedures.*

18 *b. “Sexual orientation” means the same as defined in section*
19 *216.2.*

20 2. A school district shall not provide any program,
21 curriculum, test, survey, questionnaire, promotion, or
22 instruction relating to gender identity theory or sexual
23 orientation to students in kindergarten through grade six.

24 Sec. 29. Section 280.33, subsection 1, paragraph c, Code
25 2025, is amended to read as follows:

26 *c. “Sex” means a person’s biological sex as female or male,*
27 *as the same as defined in section 4.1A. The sex listed on*
28 *a person’s official birth certificate or certificate issued*
29 *upon adoption shall be considered presumptively correct if the*
30 *certificate was issued at or near the time of the person’s*
31 *birth.*

32 Sec. 30. SEVERABILITY. If any provision of this Act is
33 held invalid, the invalidity shall not affect other provisions
34 or applications of this Act which can be given effect without
35 the invalid provision or application, and to this end the

1 provisions of this Act are severable as provided in section
2 4.12.

3 EXPLANATION

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

6 This bill relates to sex and gender, including those
7 and related terms for purposes of statutory construction,
8 indications of a person's sex on certain vital records, gender
9 identity under the Iowa civil rights Act, and school curricula
10 related to gender theory.

11 The bill creates a new Code section 4.1A (statutory
12 construction — sex and related terms). The bill provides
13 that certain rules of statutory construction shall be observed
14 with regard to a person's sex. These rules with regard to a
15 person's sex include:

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

19 2. When used in reference to a natural person, the term
20 "female" means an individual who has, had, will have through
21 the course of normal development, or would have but for
22 a developmental anomaly, genetic anomaly, or accident, a
23 reproductive system that at some point produces ova, and
24 the term "male" means an individual who has, had, will have
25 through the course of normal development, or would have but
26 for a developmental anomaly, genetic anomaly, or accident a
27 reproductive system that at some point produces sperm.

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

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

32 5. The term "gender", when used alone in reference to
33 males, females, or the natural differences between males and
34 females shall be considered a synonym for sex and shall not
35 be considered a synonym or shorthand expression for gender

1 identity, experienced gender, gender expression, or gender
2 role.

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

4 7. Separate accommodations are not inherently unequal.

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

10 Additionally, under the bill, any state law, policy,
11 or program that prohibits discrimination on the basis of
12 sex shall be construed to forbid unfair or discriminatory
13 practices against females or males in relation to similarly
14 situated members of the opposite sex. Notwithstanding any
15 provision of state law to the contrary, distinctions based
16 on sex in various contexts where health, safety, or privacy
17 are implicated resulting in separate accommodations, are
18 substantially related to the important government objectives of
19 protecting the health, safety, and privacy of the persons in
20 these contexts. In addition, any state department or subunit
21 of a department, or any political subdivision of the state
22 including a city, county, township, or school district that
23 collects vital statistics for the purpose of complying with
24 state antidiscrimination laws or for the purpose of gathering
25 accurate state public health, crime, economic, or other data,
26 shall identify the sex of each person included in the collected
27 data as either male or female.

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

30 The bill also amends provisions under Code chapter 144
31 (vital statistics). The bill requires that an original
32 certificate of birth include a designation of the sex of the
33 person as defined in new Code section 4.1A. With regard to
34 a new certificate of birth, if a new certificate of birth is
35 established after the state registrar receives an adoption

1 report or a certified copy of an adoption decree or following a
2 determination of paternity, the new certificate of birth must
3 include a designation of sex of the person at birth. Current
4 law requires the state registrar to establish a new certificate
5 of birth for a person upon receiving a notarized affidavit by a
6 licensed physician stating that by reason of surgery or other
7 treatment the person's sex designation has changed. The bill
8 repeals this provision.

9 Under current law, Code chapter 216 prohibits discrimination
10 in employment, wages, public accommodations, housing,
11 education, and credit practices based upon certain
12 characteristics of a person, including gender identity.
13 A person who claims to be aggrieved by an unfair or
14 discriminatory practice prohibited by Code chapter 216 may
15 file a complaint with the Iowa civil rights commission. Code
16 chapter 216 provides various remedies for such practices. Code
17 chapter 216 defines "gender identity" as the gender-related
18 identity of a person, regardless of the person's assigned sex
19 at birth.

20 For purposes of Code chapter 216, the bill removes
21 gender identity as a protected class. The bill also removes
22 gender identity as a protected class in the prohibition of
23 discrimination under federal, state, and local law for charter
24 schools and innovation schools.

25 Under current Code section 279.80, school districts,
26 accredited nonpublic schools, charter schools, and innovation
27 zone schools are prohibited from providing instruction related
28 to gender identity and sexual orientation to students in
29 kindergarten through grade six. The bill replaces the term
30 "gender identity" with the term "gender theory" and defines
31 "gender theory".

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

34 The bill provides that its provisions are severable pursuant
35 to Code section 4.12.