

Senate File 427 - Enrolled

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1 1 SENATE FILE 427
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1 3 AN ACT
1 4 RELATING TO THE IOWA CIVIL RIGHTS ACT AND DISCRIMINATION BASED
1 5 UPON A PERSON'S SEXUAL ORIENTATION OR GENDER IDENTITY.
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 9 Section 1. Section 216.2, Code 2007, is amended by adding
1 10 the following new subsections:
1 11 NEW SUBSECTION. 9A. "Gender identity" means a
1 12 gender-related identity of a person, regardless of the
1 13 person's assigned sex at birth.
1 14 NEW SUBSECTION. 12A. "Sexual orientation" means actual or
1 15 perceived heterosexuality, homosexuality, or bisexuality.
1 16 Sec. 2. Section 216.5, subsections 6 and 8, Code 2007, are
1 17 amended to read as follows:
1 18 6. To issue such publications and reports of
1 19 investigations and research as in the judgment of the
1 20 commission shall tend to promote goodwill among the various
1 21 racial, religious, and ethnic groups of the state and which
1 22 shall tend to minimize or eliminate discrimination in public
1 23 accommodations, employment, apprenticeship and on-the-job
1 24 training programs, vocational schools, or housing because of
1 25 race, creed, color, sex, sexual orientation, gender identity,
1 26 national origin, religion, ancestry, or disability.
1 27 8. To make recommendations to the general assembly for
1 28 such further legislation concerning discrimination because of
1 29 race, creed, color, sex, sexual orientation, gender identity,
1 30 national origin, religion, ancestry, or disability as it may
1 31 deem necessary and desirable.
1 32 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and
1 33 c, Code 2007, are amended to read as follows:
1 34 a. Person to refuse to hire, accept, register, classify,
1 35 or refer for employment, to discharge any employee, or to
2 1 otherwise discriminate in employment against any applicant for
2 2 employment or any employee because of the age, race, creed,
2 3 color, sex, sexual orientation, gender identity, national
2 4 origin, religion, or disability of such applicant or employee,
2 5 unless based upon the nature of the occupation. If a person
2 6 with a disability is qualified to perform a particular
2 7 occupation, by reason of training or experience, the nature of
2 8 that occupation shall not be the basis for exception to the
2 9 unfair or discriminating practices prohibited by this
2 10 subsection.
2 11 b. Labor organization or the employees, agents, or members
2 12 thereof to refuse to admit to membership any applicant, to
2 13 expel any member, or to otherwise discriminate against any
2 14 applicant for membership or any member in the privileges,
2 15 rights, or benefits of such membership because of the age,
2 16 race, creed, color, sex, sexual orientation, gender identity,
2 17 national origin, religion, or disability of such applicant or
2 18 member.

2 19 c. Employer, employment agency, labor organization, or the
2 20 employees, agents, or members thereof to directly or
2 21 indirectly advertise or in any other manner indicate or
2 22 publicize that individuals of any particular age, race, creed,
2 23 color, sex, sexual orientation, gender identity, national
2 24 origin, religion, or disability are unwelcome, objectionable,
2 25 not acceptable, or not solicited for employment or membership
2 26 unless based on the nature of the occupation. If a person
2 27 with a disability is qualified to perform a particular
2 28 occupation by reason of training or experience, the nature of
2 29 that occupation shall not be the basis for exception to the
2 30 unfair or discriminating practices prohibited by this
2 31 subsection.

2 32 An employer, employment agency, or their employees,
2 33 servants, or agents may offer employment or advertise for
2 34 employment to only persons with disabilities, when other
2 35 applicants have available to them other employment compatible
3 1 with their ability which would not be available to persons
3 2 with disabilities because of their disabilities. Any such
3 3 employment or offer of employment shall not discriminate among
3 4 persons with disabilities on the basis of race, color, creed,
3 5 sex, sexual orientation, gender identity, or national origin.

3 6 Sec. 4. Section 216.6, subsection 6, paragraph d, Code
3 7 2007, is amended to read as follows:

3 8 d. Any bona fide religious institution or its educational
3 9 facility, association, corporation, or society with respect to
3 10 any qualifications for employment based on religion, sexual
3 11 orientation, or gender identity when such qualifications are
3 12 related to a bona fide religious purpose. A religious
3 13 qualification for instructional personnel or an administrative
3 14 officer, serving in a supervisory capacity of a bona fide
3 15 religious educational facility or religious institution, shall
3 16 be presumed to be a bona fide occupational qualification.

3 17 Sec. 5. Section 216.7, subsection 1, paragraphs a and b,
3 18 Code 2007, are amended to read as follows:

3 19 a. To refuse or deny to any person because of race, creed,
3 20 color, sex, sexual orientation, gender identity, national
3 21 origin, religion, or disability the accommodations,
3 22 advantages, facilities, services, or privileges thereof, or
3 23 otherwise to discriminate against any person because of race,
3 24 creed, color, sex, sexual orientation, gender identity,
3 25 national origin, religion, or disability in the furnishing of
3 26 such accommodations, advantages, facilities, services, or
3 27 privileges.

3 28 b. To directly or indirectly advertise or in any other
3 29 manner indicate or publicize that the patronage of persons of
3 30 any particular race, creed, color, sex, sexual orientation,
3 31 gender identity, national origin, religion, or disability is
3 32 unwelcome, objectionable, not acceptable, or not solicited.

3 33 Sec. 6. Section 216.7, subsection 2, paragraph a, Code
3 34 2007, is amended to read as follows:

3 35 a. Any bona fide religious institution with respect to any
4 1 qualifications the institution may impose based on religion,
4 2 sexual orientation, or gender identity when such
4 3 qualifications are related to a bona fide religious purpose.

4 4 Sec. 7. Section 216.8, subsections 1 through 4, Code 2007,
4 5 are amended to read as follows:

4 6 1. To refuse to sell, rent, lease, assign, sublease,
4 7 refuse to negotiate, or to otherwise make unavailable, or deny
4 8 any real property or housing accommodation or part, portion,

4 9 or interest therein, to any person because of the race, color,
4 10 creed, sex, sexual orientation, gender identity, religion,
4 11 national origin, disability, or familial status of such
4 12 person.

4 13 2. To discriminate against any person because of the
4 14 person's race, color, creed, sex, sexual orientation, gender
4 15 identity, religion, national origin, disability, or familial
4 16 status, in the terms, conditions, or privileges of the sale,
4 17 rental, lease assignment, or sublease of any real property or
4 18 housing accommodation or any part, portion, or interest in the
4 19 real property or housing accommodation or in the provision of
4 20 services or facilities in connection with the real property or
4 21 housing accommodation.

4 22 For purposes of this section, "person" means one or more
4 23 individuals, corporations, partnerships, associations, labor
4 24 organizations, legal representatives, mutual companies, joint
4 25 stock companies, trusts, unincorporated organizations,
4 26 trustees, trustees in cases under Title 11 of the United
4 27 States Code, receivers, and fiduciaries.

4 28 3. To directly or indirectly advertise, or in any other
4 29 manner indicate or publicize that the purchase, rental, lease,
4 30 assignment, or sublease of any real property or housing
4 31 accommodation or any part, portion, or interest therein, by
4 32 persons of any particular race, color, creed, sex, sexual
4 33 orientation, gender identity, religion, national origin,
4 34 disability, or familial status is unwelcome, objectionable,
4 35 not acceptable, or not solicited.

5 1 4. To discriminate against the lessee or purchaser of any
5 2 real property or housing accommodation or part, portion, or
5 3 interest of the real property or housing accommodation, or
5 4 against any prospective lessee or purchaser of the property or
5 5 accommodation, because of the race, color, creed, religion,
5 6 sex, sexual orientation, gender identity, disability, age, or
5 7 national origin of persons who may from time to time be
5 8 present in or on the lessee's or owner's premises for lawful
5 9 purposes at the invitation of the lessee or owner as friends,
5 10 guests, visitors, relatives, or in any similar capacity.

5 11 Sec. 8. Section 216.8A, subsections 1 and 2, Code 2007,
5 12 are amended to read as follows:

5 13 1. A person shall not induce or attempt to induce another
5 14 person to sell or rent a dwelling by representations regarding
5 15 the entry or prospective entry into a neighborhood of a person
5 16 of a particular race, color, creed, sex, sexual orientation,
5 17 gender identity, religion, national origin, disability, or
5 18 familial status.

5 19 2. A person shall not represent to a person of a
5 20 particular race, color, creed, sex, sexual orientation, gender
5 21 identity, religion, national origin, disability, or familial
5 22 status that a dwelling is not available for inspection, sale,
5 23 or rental when the dwelling is available for inspection, sale,
5 24 or rental.

5 25 Sec. 9. Section 216.8A, subsection 4, paragraph a, Code
5 26 2007, is amended to read as follows:

5 27 a. A person whose business includes engaging in
5 28 residential real estate related transactions shall not
5 29 discriminate against a person in making a residential real
5 30 estate related transaction available or in terms or conditions
5 31 of a residential real estate related transaction because of
5 32 race, color, creed, sex, sexual orientation, gender identity,
5 33 religion, national origin, disability, or familial status.

5 34 Sec. 10. Section 216.8A, subsection 5, Code 2007, is
5 35 amended to read as follows:

6 1 5. A person shall not deny another person access to, or
6 2 membership or participation in, a multiple=listing service,
6 3 real estate brokers' organization or other service,
6 4 organization, or facility relating to the business of selling
6 5 or renting dwellings, or discriminate against a person in
6 6 terms or conditions of access, membership, or participation in
6 7 such organization because of race, color, creed, sex, sexual
6 8 orientation, gender identity, religion, national origin,
6 9 disability, or familial status.

6 10 Sec. 11. Section 216.9, unnumbered paragraph 1, Code 2007,
6 11 is amended to read as follows:

6 12 It is an unfair or discriminatory practice for any
6 13 educational institution to discriminate on the basis of race,
6 14 creed, color, sex, sexual orientation, gender identity,
6 15 national origin, religion, or disability in any program or
6 16 activity. Such discriminatory practices shall include but not
6 17 be limited to the following practices:

6 18 Sec. 12. Section 216.9, unnumbered paragraph 2, Code 2007,
6 19 is amended to read as follows:

6 20 For the purpose of this section, "educational institution"
6 21 includes any preschool, elementary, secondary, or community
6 22 college, area education agency, or postsecondary college or
6 23 university and their governing boards. This section does not
6 24 prohibit an educational institution from maintaining separate
6 25 toilet facilities, locker rooms, or living facilities for the
6 26 different sexes so long as comparable facilities are provided.
6 27 Nothing in this section shall be construed as prohibiting any
6 28 bona fide religious institution from imposing qualifications
6 29 based on religion, sexual orientation, or gender identity when
6 30 such qualifications are related to a bona fide religious
6 31 purpose or any institution from admitting students of only one
6 32 sex.

6 33 Sec. 13. Section 216.10, Code 2007, is amended to read as
6 34 follows:

6 35 216.10 UNFAIR CREDIT PRACTICES.

7 1 It shall be an unfair or discriminatory practice for any:

7 2 1. Creditor to refuse to enter into a consumer credit
7 3 transaction or impose finance charges or other terms or
7 4 conditions more onerous than those regularly extended by that
7 5 creditor to consumers of similar economic backgrounds because
7 6 of age, color, creed, national origin, race, religion, marital
7 7 status, sex, sexual orientation, gender identity, physical
7 8 disability, or familial status.

7 9 2. Person authorized or licensed to do business in this
7 10 state pursuant to chapter 524, 533, 534, 536, or 536A to
7 11 refuse to loan or extend credit or to impose terms or
7 12 conditions more onerous than those regularly extended to
7 13 persons of similar economic backgrounds because of age, color,
7 14 creed, national origin, race, religion, marital status, sex,
7 15 sexual orientation, gender identity, physical disability, or
7 16 familial status.

7 17 3. Creditor to refuse to offer credit life or health and
7 18 accident insurance because of color, creed, national origin,
7 19 race, religion, marital status, age, physical disability, sex,
7 20 sexual orientation, gender identity, or familial status.
7 21 Refusal by a creditor to offer credit life or health and
7 22 accident insurance based upon the age or physical disability
7 23 of the consumer shall not be an unfair or discriminatory

7 24 practice if such denial is based solely upon bona fide
7 25 underwriting considerations not prohibited by title XIII,
7 26 subtitle 1.

7 27 The provisions of this section shall not be construed by
7 28 negative implication or otherwise to narrow or restrict any
7 29 other provisions of this chapter.

7 30 Sec. 14. Section 216.12, subsection 1, Code 2007, is
7 31 amended to read as follows:

7 32 1. Any bona fide religious institution with respect to any
7 33 qualifications it may impose based on religion, sexual
7 34 orientation, or gender identity, when the qualifications are
7 35 related to a bona fide religious purpose unless the religious
8 1 institution owns or operates property for a commercial purpose
8 2 or membership in the religion is restricted on account of
8 3 race, color, or national origin.

8 4 Sec. 15. Section 216.12A, Code 2007, is amended to read as
8 5 follows:

8 6 216.12A ADDITIONAL HOUSING EXCEPTION.

8 7 Sections 216.8 and 216.8A do not prohibit a person engaged
8 8 in the business of furnishing appraisals of real estate from
8 9 taking into consideration factors other than race, color,
8 10 creed, sex, sexual orientation, gender identity, religion,
8 11 national origin, disability, or familial status in appraising
8 12 real estate.

8 13 Sec. 16. NEW SECTION. 216.21 CONSTRUCTION OF CHAPTER.

8 14 This chapter shall not be construed to allow marriage
8 15 between persons of the same sex, in accordance with chapter
8 16 595.

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8 20 JOHN P. KIBBIE
8 21 President of the Senate

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8 25 PATRICK J. MURPHY
8 26 Speaker of the House

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8 28 I hereby certify that this bill originated in the Senate and
8 29 is known as Senate File 427, Eighty-second General Assembly.

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8 33 MICHAEL E. MARSHALL
8 34 Secretary of the Senate

8 35 Approved _____, 2007

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9 4 CHESTER J. CULVER

9 5 Governor