

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 583 (Formerly HSB 242) will substitute SF 418 Committee: Judiciary Floor Manager: Rep. Holt Date: May 22, 2025	House Committee: <b>PASSED</b> on February 24 (13-8) House Floor: <b>PASSED</b> February 27 (60-36) Senate Floor: <b>PASSED</b> February 27 (33-15) Governor: <b>SIGNED</b> on February 28, 2025
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### Clarifying Definitions of Sex and Gender

- Defines female, male, mother, father, and sex.
- Removes gender identity from the civil rights code.
- Requires birth certificates to indicate the sex of the child when they are born.
- In education, changes the phrase gender identity to gender theory.

### Section by Section Analysis

#### Section 1- Statutory Construction- Sex and Related Terms (4.1A new section)

This sections provides definitions for statutory construction regarding a person's biological construction.

Sex- when classifying or describing a natural person, is the state of being either male or female as observed or clinically verified at birth.

Female- an individual who has ova.

Male- an individual who produces sperm

Woman/girl- female

Man/boy- male

Mother- female parent

Father- male parent

Gender when used in references to male and females or their differences is considered a synonym for sex and shall not be considered a synonym or shorthand expression for gender identity, experienced gender, gender expression, or gender role.

The term equal does not mean the same or identical.

Separate accommodations are not inherently unequal.

A person born with a medically verifiable diagnosis of disorder or difference of sex development shall be provided the legal protections and accommodations afforded under the ADA and applicable state law.

Any state law, policy or program that prohibits discrimination on the basis of sex, shall be construed to forbid unfair or discriminatory practices against males or females in relationship to similarly situated members of the opposite sex.

Distinctions based on sex where health, safety, or privacy are implicated resulting in separate accommodations are substantially related to the important government objective of protecting the health, safety and privacy of the persons in these context.

When vital statistics are collected sex shall be identified as either male or female.

State law- any state statute or law

Section 2- Department of Workforce Development- Job Placement and Training Programs (84A.6)  
Strikes "gender identity"

Section 3- Vital Certificates- Birth Certificates (144.13)

Birth certificate shall include the designation of sex. If the sex of a child cannot be determined at birth, then there is a six-month window for parents to obtain a diagnosis or testing from a health care provider that is necessary to determine the child's sex.

Section 4- Vital Records- State Registrar to Issue **Establish New Certificate Of Birth** (144.23)

Strikes language allowing the changing of sex on a birth certificate.

Requires a new certificate of birth to include a designation of sex of the person at birth

Section 5- Vital Statistics- Substituting New for Original Birth Certificates- Inspection (144.24)

If a new birth certificate is established it shall include a designation of the person's sex, as defined in section 4

Removes language allowing a new birth certificate when a person has a "sex change"

Section 6- Vital Statistics- Certificate of Nonviable Birth (144.31B)

Changes the phrase "gender" to "sex"

Section 7- Office of Civil Rights- Definitions (216.2)

Strikes the definition of "gender identity" in the Iowa Civil Rights Code

Under current law, gender identity is defined a gender-related identity of a person, regardless of the person's assigned sex at birth.

Section 8- Office of Civil Rights-Unfair Employment Practices (216.6)

Strikes the words "gender identity"

Section 9- Office of Civil Rights-Unfair Employment Practices (216.6)

Strikes "gender identity"

Section 10- Office of Civil Rights- Additional Unfair or Discriminatory Practice- Wage Discrimination in Employment (216.6A)

Strikes "gender identity"

Section 11- Office of Civil Rights- Additional Unfair or Discriminatory Practice- Wage Discrimination in Employment (216.6A)

Strikes "gender identity"

Section 12- Office of Civil Rights- Additional Unfair or Discriminatory Practice- Wage Discrimination in Employment (216.6A)

Strikes "gender identity"

Section 13- Office of Civil Rights- Additional Unfair or Discriminatory Practice- Wage Discrimination in Employment (216.6A)

Strikes "gender identity"

Section 14- Office of Civil Rights-Unfair Practices- Accommodations or Services (216.7)

Strikes "gender identity"

Section 15- Office of Civil Rights-Unfair Practices- Accommodations or Services (216.7)

Strikes "gender identity"

Section 16-- Office of Civil Rights- Unfair or Discriminatory Practices- Housing (216.8)

Strikes "gender identity"

Section 17- Office of Civil Rights- Additional Unfair or Discriminatory Practices- Housing (216.8a)

Strikes "gender identity"

Section 18- Office of Civil Rights- Additional Unfair or Discriminatory Practices- Housing (216.8a)

Strikes "gender identity"

Section 19- Office of Civil Rights- Unfair or Discriminatory Practices- Education (216.9)

Strikes "gender identity"

Section 20- Office of Civil Rights- Unfair or Discriminatory Practices- Education (216.9)

Strikes "gender identity"

Section 21-Office of Civil Rights- Unfair Credit Practices (216.10)

Strikes "gender identity"

Section 22-Office of Civil Rights- Exceptions (216.12)

Strikes "gender identity"

Section 23-Office of Civil Rights- Additional Housing Exception (216.12A)

Strikes "gender identity"

Section 24- Charter Schools- School Board and Founding Group Models- General Operating Powers and Duties (256E.7)

Strikes "gender identity"

Changes gender identity instruction to gender theory instruction.

Section 25-- Charter Schools- School Board and Founding Group Models- School Board-State Board Model (256E.4)

Strikes "gender identity"

Section 26- Extracurricular Athletics Eligibility- Definitions (261I.1)

Clarifies that sex is the same as defined in section 1 of the bill and that the sex listed on an official birth certificate shall be considered presumptively correct.

Section 27-Directors- Powers and Duties- Parental Rights in Education (279.78)

Clarifies the definition of gender identity to mean an individual's subjective identification as male, female or neither. Gender identity is not a synonym or substitute for sex or gender.

Section 28-Directors-Powers and Duties- Sexual Orientation and Gender ~~Identity~~ Theory-Prohibited Instruction (279.80)

Strikes gender identity and replaces it with gender theory. Gender theory is defined as the concept that an individual may be properly described in terms of an internal sense of gender that is incongruent with their sex as either male or female. It includes the concept that an individual who experiences

Section 29-Unifrom School Requirements- Single and Multiple Occupancy Restrooms or Changing Areas- Use by Persons of Same Biological Sex (280.33)

Sex means the same as defined in section one of the bill.

Section 30- Severability

If any provision of this act is held invalid, it shall not affect other provisions or applications of this act which can go in effect without the invalid provisions or applications.

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## **Amendment Analysis**