

HOUSE REPUBLICAN STAFF ANALYSIS

Bill: Senate File 482 (Formerly HF 622)	House Committee: PASSED on March 3 (12-8)
Committee: Judiciary	House Floor: PASSED on March 16 (57-39)
Floor Manager: Rep. Holt	Senate Floor: PASSED on March 7 (33-16)
Date: May 8, 2023	Governor: SIGNED on March 22, 2023
Staff: Amanda Wille (1-5230)	

Bathroom Privacy

- It is not discrimination for a public or private school to require restrooms or changing facilities be designated for use only by persons of the same sex.
- It is not discrimination for a public or private school to prohibit a person from using a restroom or changing facility that does not correspond with their sex on their birth certificate.
- Requires restrooms, changing facilities and other spaces used by students who may be in a state of undress to be designated either male or female. Students must use the bathroom that corresponds to their official birth certificate.

Section by Section Analysis

As amended by H-1087- Conforms with Senate language

Section 1- Civil Rights Commission- Single and Multiple Occupancy Restrooms or Changing Areas in Schools- Use by Persons of Same Biological Sex (216.9A)

It is not unfair or discriminatory practice for a school to require a single or multiple occupancy restroom or changing area to be designated only for use by persons of the same biological sex. It is not unfair or discriminatory to prohibit a person from using a restroom or changing area that does not correspond with their biological sex.

Section 2- Uniform School Requirements- Single and Multiple Occupancy Restrooms or Changing Areas in Schools- Use by Persons of Same Biological Sex (280.33)

1) Definitions

Multiple occupancy restroom or changing area- area in a school building used by more than one person includes, but not limited to, restrooms, locker rooms, changing rooms, or shower rooms.

School- public or private school

Sex- person's biological sex as female or male as listed on their official birth certificate issued at the time of the birth.

Single occupancy restroom or changing area- area in a school building designed to be used by one person at a time, including a restroom, locker room, changing room, or shower room.

2) A school shall require multiple occupancy restrooms or changing areas to only be designated to be used by persons of the same sex.

A person shall not enter a multiple occupancy or single occupancy restroom or changing area, designated only for persons of the same sex, that does not correspond with the person's sex

3) In any other school facility, or a facility used for school activities, where students may be in various stages of undress in the presence of others there must be areas designated for students based on the student's sex. This includes overnight accommodations.

4) A student who desires greater privacy when using a restroom or changing area can provide written consent from their parents to school officials to request access to alternative facilities. School officials shall offer reasonable options for alternative facilities. Reasonable alternatives do NOT include access to a multiple occupancy or single occupancy restroom or changing area designated for use by students of the opposite sex. Reasonable accommodations may include:

- Access to a single occupancy restroom or changing area
- Access to a unisex single occupancy restroom or changing area by only one student at a time.
- Controlled use of faculty multiple occupancy or single occupancy restrooms or changing areas.

5) This section shall not be construed to prohibit a school from doing any of the following:

- Adopting policies to accommodate disabled individuals or young children who need assistance.
- Permit custodial or maintenance persons from entering any restroom or changing facility for maintenance or cleaning.
- Rendering medical assistance.
- Permitting access during a disaster or emergency when necessary to prevent a threat to student safety

6) A citizen of Iowa may file a complaint with the Attorney General alleging a school is in violation of this law if all the following apply:

- Citizen provides written notice to the school describing the violation
- The school does not cure the violation within three business days after receiving written notice

A complaint filed under this section shall include:

- A copy of the written notice delivered to the school
- A signed statement by the citizen describing the violation and stating the notice was provided.

The AG shall investigate the violation. If no violation occurred the AG shall send written notice to the citizen and the school. If the AG determines legal action is warranted to cure the violation, the AG may file an action in court seeking equitable relief as the AG deems appropriate.

This does not limit other legal remedies or equity available to the aggrieved person against the school

Section 3 Effective Date

Takes effect upon enactment.

Amendment Analysis

H-1087- Holt- Strike after with Senate language. See analysis above

H-1129 to H- 1087- Wessel- Kroeschell- Strike after- A student who desires greater privacy when using a restroom or changing may request access to alternative facilities. School officials shall offer reasonable options for alternative facilities

H- 1126- Wessel-Kroeschell- Strike after- A student who desires greater privacy when using a restroom or changing may request access to alternative facilities. School officials shall offer reasonable options for alternative facilities