

Senate File 482 - Enrolled

Senate File 482

AN ACT

PROHIBITING PERSONS FROM ENTERING SINGLE AND MULTIPLE OCCUPANCY RESTROOMS OR CHANGING AREAS AND OTHER FACILITIES IN ELEMENTARY AND SECONDARY SCHOOLS THAT DO NOT CORRESPOND WITH THE PERSON'S BIOLOGICAL SEX AND INCLUDING EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. **216.9A Single and multiple occupancy restrooms or changing areas in schools — use by persons of same biological sex.**

It shall not be an unfair or discriminatory practice for a school to require a single or multiple occupancy restroom or changing area to be designated only for and used by persons of the same biological sex as provided in section 280.33. It shall not be an unfair or discriminatory practice to prohibit a person from using a single or multiple occupancy restroom or changing area that does not correspond with the person's biological sex as provided in section 280.33.

Sec. 2. NEW SECTION. **280.33 Single and multiple occupancy restrooms or changing areas — use by persons of same biological sex.**

1. As used in this section:

a. *"Multiple occupancy restroom or changing area"* means an area in a school building designed or designated to be used by more than one person at a time, in which students may be in various stages of undress in the presence of other students or

persons. *"Multiple occupancy restroom or changing area"* includes but is not limited to a restroom, locker room, changing room, or shower room.

b. *"School"* means a public school or nonpublic school.

c. *"Sex"* means a person's biological sex as female or male, as listed on a person's official birth certificate issued at or near the time of the person's birth.

d. *"Single occupancy restroom or changing area"* means an area in a school building designed or designated to be used by one person at a time, in which the person may be in various stages of undress. *"Single occupancy restroom or changing area"* includes a restroom, locker room, changing room, or shower room.

2. A school shall require a multiple occupancy restroom or changing area to be designated only for and used by persons of the same sex. A person shall not enter a multiple occupancy restroom or changing area, or a 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, a facility used for extracurricular activity, overnight accommodations, or any other setting where a student may be in various stages of undress in the presence of other students or persons, school personnel shall provide separate, private areas designated for use by students based on the students' sex.

4. A student who, for any reason, desires greater privacy when using a single or multiple occupancy restroom or changing area, or other facility described in subsection 3, and whose parent or legal guardian provides written consent to school officials, may submit a request to such officials for access to alternative facilities. The school official to whom a request is submitted shall evaluate such request and shall, to the extent reasonable, offer options for alternative facilities. In no event shall any accommodation be made that includes access to a student multiple occupancy restroom or changing area or a single occupancy restroom or changing area designated for use by students of the opposite sex while students of the opposite sex are present or could be present. Reasonable accommodations may include any of the following:

a. Access to a single occupancy restroom or changing area.

b. Access to a unisex single occupancy restroom or changing area by only one student at a time.

c. Controlled use of faculty multiple occupancy restroom or changing area or a single occupancy restroom or changing area.

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

a. Adopting policies necessary to accommodate disabled persons or young children in need of physical assistance when using a multiple occupancy restroom or changing area, a single occupancy restroom or changing area, or other facility or setting described in subsection 3.

b. Permitting access to a multiple occupancy restroom or changing area, a single occupancy restroom or changing area, or other facility described in subsection 3 for custodial or maintenance purposes when such facility is not occupied by a member of the opposite sex.

c. Rendering medical assistance.

d. Permitting access to a multiple occupancy restroom or changing area, a single occupancy restroom or changing area, or other facility or setting described in subsection 3 during a natural disaster, emergency, or when necessary to prevent a serious threat to student safety.

6. *a.* A citizen of this state may file a complaint with the office of the attorney general that a school is in violation of the provisions of this section if all of the following are true:

(1) The citizen provides written notice to the school describing the violation.

(2) The school does not cure the violation within three business days after receiving written notice of the violation.

b. A complaint filed pursuant to this section shall include all of the following:

(1) A copy of the written notice delivered to the school.

(2) A signed statement by the citizen describing the violation and stating that notice was provided.

c. Upon receipt of a complaint, the attorney general shall investigate the violation described in the complaint. If the attorney general determines that no violation occurred or that

no further legal action is warranted, then the attorney general shall send written notice of such determination to the citizen who filed the complaint and to the school. If the attorney general determines that legal action is warranted to cure the violation, then the attorney general may file an action in a court of competent jurisdiction seeking such equitable relief as the attorney general deems appropriate.

d. This subsection shall not limit other remedies at law or equity available to the aggrieved person against the school.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

AMY SINCLAIR
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 482, Ninetieth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2023

KIM REYNOLDS
Governor