

House Study Bill 649 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BILL)

A BILL FOR

1 An Act relating to the term sex and related terms for purposes
2 of statutory construction, including an indication of
3 a person's sex on certain vital records and on certain
4 applications and identification cards.
5 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" means a person's biological sex, either male or
6 female, at birth, unless otherwise provided by law.

7 b. A "female" is a person whose biological reproductive
8 system is developed to produce ova and a "male" is a person
9 whose biological reproductive system is developed to fertilize
10 the ova of a female.

11 c. The term "woman" or "girl" refers to a female and the
12 term "man" or "boy" refers to a male.

13 d. The term "mother" means a parent who is female and the
14 term "father" means a parent who is male.

15 e. The term "equal" does not mean "same" or "identical".

16 f. Separate accommodations are not inherently unequal.

17 g. A person born with a medically verifiable diagnosis of
18 disorder or difference of sex development shall be provided the
19 legal protections and accommodations afforded under the federal
20 Americans with Disabilities Act of 1990 and applicable state
21 law.

22 2. Any state law, policy, or program that prohibits
23 discrimination on the basis of sex shall be construed to forbid
24 unfair treatment of females or males in relation to similarly
25 situated members of the opposite sex.

26 3. Notwithstanding any provision of state law to the
27 contrary, distinctions based on sex, including but not limited
28 to in prisons or other detention facilities, domestic violence
29 shelters, rape crisis centers, locker rooms, restrooms, and in
30 other contexts where health, safety, or privacy are implicated
31 resulting in separate accommodations, are substantially related
32 to the important government objectives of protecting the
33 health, safety, and privacy of the persons in these contexts.

34 4. Any state department or subunit of a department, or any
35 political subdivision of the state including a city, county,

1 township, or school district that collects vital statistics for
2 the purpose of complying with state antidiscrimination laws,
3 or for the purpose of gathering accurate state public health,
4 crime, economic, or other data, shall identify the sex of each
5 person included in the collected data as either male or female.

6 5. For the purposes of this section, "state law" includes
7 any state statute or rule.

8 Sec. 2. Section 144.13, Code 2024, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 5. A certificate of birth filed under this
11 section shall include a designation of the sex of the person as
12 defined in section 4.1A.

13 Sec. 3. Section 144.23, Code 2024, is amended to read as
14 follows:

15 **144.23 State registrar to ~~issue~~ establish new certificate of**
16 **birth.**

17 1. The state registrar shall establish a new certificate of
18 birth for a person born in this state, when the state registrar
19 receives the following:

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

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

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

35 2. a. Pursuant to section 4.1A, a new certificate of birth

1 established under subsection 1, paragraph "a" or "b", shall
2 include a designation of the sex of the person, as male or
3 female, at birth.

4 b. Pursuant to section 4.1A, a new certificate of birth
5 established under subsection 1, paragraph "c", following a
6 change in sex designation, shall include a designation of the
7 sex of the person, as male or female, both at the time of birth
8 and at the time the new certificate of birth is established.

9 Sec. 4. Section 144.24, subsections 1 and 2, Code 2024, are
10 amended to read as follows:

11 1. If a new certificate of birth is established, the actual
12 place and date of birth shall be shown on the certificate and
13 the certificate shall include a designation of the person's
14 sex pursuant to section 144.23. The certificate shall be
15 substituted for the original certificate of birth.

16 2. Following substitution of the original certificate of
17 birth with a new certificate of birth, the original certificate
18 and the evidence of adoption, paternity, or legitimation, ~~or~~
19 ~~sex change~~ shall not be subject to inspection except under
20 order of a court of competent jurisdiction, including but
21 not limited to an order issued pursuant to [section 600.16A](#),
22 as provided in section [144.23A](#) or [144.24A](#), or as provided by
23 administrative rule for statistical or administrative purposes
24 only.

25 Sec. 5. Section 321.182, subsection 1, paragraph a, Code
26 2024, is amended to read as follows:

27 a. Make application on a form provided by the department
28 which shall include the applicant's full name, signature,
29 current mailing address, current residential address, date
30 of birth, social security number, and physical description
31 including sex, height, and eye color. The application may
32 contain other information the department may require by rule.
33 Pursuant to procedures established by the department and for
34 an applicant who is a foreign national temporarily present in
35 this state, the department may waive the requirement that the

1 application include the applicant's social security number.
2 For the purposes of this paragraph, "sex" means the same as
3 defined in section 4.1A. If the applicant evidences through
4 a notarized affidavit by a licensed physician and surgeon or
5 osteopathic physician and surgeon that by reason of surgery or
6 other treatment the applicant's sex designation has changed,
7 the application shall reflect the sex designation of the person
8 both at the time of birth and at the time the application is
9 made.

10 Sec. 6. Section 321.189, subsection 2, paragraph a, Code
11 2024, is amended to read as follows:

12 a. Appearing on the driver's license shall be a
13 distinguishing number assigned to the licensee; the licensee's
14 full name, date of birth, sex, and residence address; a color
15 photograph; a physical description of the licensee; the name of
16 the state; the dates of issuance and expiration; and the usual
17 signature of the licensee. The license shall identify the
18 class of vehicle the licensee may operate and the applicable
19 endorsements and restrictions which the department shall
20 require by rule. For the purposes of this paragraph, "sex"
21 means the same as defined in section 4.1A. If the applicant
22 evidences through a notarized affidavit by a licensed physician
23 and surgeon or osteopathic physician that by reason of surgery
24 or other treatment the applicant's sex designation has changed,
25 the license shall reflect the sex designation of the person
26 both at the time of birth and at the time the application is
27 made under section 321.182.

28 Sec. 7. Section 321.190, subsection 1, paragraph a, Code
29 2024, is amended to read as follows:

30 a. (1) The department shall, upon application and payment
31 of the required fee, issue to an applicant a nonoperator's
32 identification card. To be valid the card shall bear a
33 distinguishing number other than a social security number
34 assigned to the cardholder, the full name, date of birth,
35 sex, residence address, a physical description and a color

1 photograph of the cardholder, the usual signature of the
2 cardholder, and such other information as the department
3 may require by rule. An applicant for a nonoperator's
4 identification card shall apply for the card in the manner
5 provided in [section 321.182, subsections 1 through 3](#). For
6 the purposes of this paragraph, "sex" means the same as
7 defined in section 4.1A. If the applicant evidences through
8 a notarized affidavit by a licensed physician and surgeon or
9 osteopathic physician and surgeon that by reason of surgery or
10 other treatment the applicant's sex designation has changed,
11 the nonoperator's identification card shall reflect the sex
12 designation of the person both at the time of birth and at the
13 time the application is made.

14 (2) The card shall be issued to the applicant at the time of
15 application pursuant to procedures established by rule.

16 (3) An applicant for a nonoperator's identification card
17 who is required by 50 U.S.C. app. §451 et seq. to register with
18 the United States selective service system shall be registered
19 by the department with the selective service system as provided
20 in [section 321.183](#).

21 EXPLANATION

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

24 This bill relates to the term sex and related terms for
25 purposes of statutory construction.

26 The bill creates a new Code section 4.1A (statutory
27 construction — sex and related terms). The bill provides
28 that certain rules of statutory construction shall be observed
29 with regard to a person's sex. These rules with regard to a
30 person's sex include:

31 1. "Sex" means a person's biological sex, either male or
32 female, at birth, unless otherwise provided by law.

33 2. A "female" is a person whose biological reproductive
34 system is developed to produce ova and a "male" is a person
35 whose biological reproductive system is developed to fertilize

1 the ova of a female.

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

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

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

7 6. Separate accommodations are not inherently unequal.

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

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

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

32 The bill also amends provisions under Code chapter 144
33 (vital statistics). The bill requires that an original
34 certificate of birth shall include a designation of the sex of
35 the person as defined in new Code section 4.1A. With regard

1 to a new certificate of birth, if a new certificate of birth
2 is established after the state registrar receives an adoption
3 report or a certified copy of an adoption decree or following
4 a determination of paternity, the new certificate of birth
5 shall include a designation of sex of the person at birth;
6 and if a new certificate of birth is established after the
7 state registrar receives a notarized affidavit by a licensed
8 physician and surgeon or osteopathic physician and surgeon
9 stating that by reason of surgery or other treatment by the
10 licensee, the sex designation of the person has been changed,
11 the new certificate of birth shall include a designation of the
12 sex of the person both at the time of birth and at the time of
13 establishment of the new certificate of birth.

14 The bill amends provisions in Code chapter 321 (motor
15 vehicles and law of the road) to define "sex" the same as in
16 new Code section 4.1A for the purposes of including the sex of
17 the person in an application for a license or a nonoperator's
18 identification card, and on a person's driver's license or
19 nonoperator's identification card.

20 If an applicant for a driver's license or a nonoperator's
21 identification card evidences through a notarized affidavit
22 by a licensed physician and surgeon or osteopathic physician
23 and surgeon that by reason of surgery or other treatment the
24 applicant's sex designation has changed, the applications and
25 the driver's license and nonoperator's identification card
26 shall reflect the sex designation of the person both at the
27 time of birth and at the time the application is made.