



Iowa Laws & Equality

Equality under the law is one of the most important ideals of a civil, democratic society. LGBT people have made remarkable progress in the last few decades, but legal discrimination still exists.

This guide gives LGBT individuals, allies and activists working toward full equality, an overview of the laws that particularly impact the lives of LGBT people in Iowa. It covers laws concerning marriage, parenting and protection from various kinds of discrimination.

You can find the text of particular laws by looking up the provided citations (such as Iowa Code § 595.2) in the Iowa Code search form on the [Iowa Legislature website](#). For questions about how the law applies to a particular person or situation, please consult an attorney.

Updated April 2015

FAMILY LAW

Marriage

Iowa Code § 595.2(1), overruled by [Varnum v. Brien, 763 N.W.2d 862 \(Iowa 2009\)](#)

Iowa recognizes marriages between same-sex couples, following an unanimous 2009 Iowa Supreme Court decision in *Varnum v. Brien*. “In this case, we must decide if our state statute limiting civil marriage to a union between a man and a woman violates the Iowa Constitution, as the district court ruled. On our review, we hold the Iowa marriage statute violates the equal protection clause of the Iowa Constitution. Therefore, we affirm the decision of the district court.”

Joint Adoption

Iowa Code § 600.4(2)

Iowa Code § 600.4(2), which establishes the right of married couples to jointly adopt a child, uses the words "husband" and "wife," which implies exclusion of same-sex couples. Recent Iowa Supreme Court rulings suggest that, if challenged, the law would be overturned, but to date there has been no legislative or judicial action that clearly establishes the right of LGBT Iowans to access second-parent adoptions.

Second Parent Adoption

Iowa Code § 600.4(1)

Iowa Code § 600.4(1) allows an "unmarried adult" to adopt a child, and has been read to allow LGBT individuals to adopt the legal and/or biological children of their partners. For example, the plaintiffs in *Gartner v. Iowa Department of Public Health* (see De Facto Parent Recognition below) had previously completed a second-parent adoption.



Stepparent Adoption

Iowa Code § 600.4(3)

Iowa Code § 600.4(3), which addresses stepparent adoption, uses the words "husband" and "wife," which implies exclusion of same-sex couples. Recent Iowa Supreme Court rulings suggest that, if challenged, the law would be overturned, but to date there has been no legislative or judicial action that clearly establishes the right of LGBT Iowans to participate in stepparent adoptions.

Surrogacy Laws

Iowa Code § 710.11

Iowa law only addresses surrogacy arrangements in Iowa Code § 710.11, which exempts a "surrogate mother arrangement" from a law that otherwise makes it a felony to buy or sell a human being. Iowa law does not have specific requirements or qualifications for surrogacy arrangements.

Foster Care Laws

Iowa Code § 237.1(7)

Iowa Code § 237.1(7) defines an "Individual" as "an individual person or a married couple who provides child foster care in a single-family home." The code does not reference sexual orientation or gender identity of prospective child foster care providers.

Parental Recognition & Donor Insemination

[*Gartner v. Iowa Department of Public Health*, 830 N.W.2d 335 \(Iowa 2013\)](#)

Iowa law does not specifically address donor insemination and parental status. In 2013, the Iowa Supreme Court held in *Gartner v. Iowa Department of Health* that a married lesbian couple had a right to have both of their names listed as parents on a birth certificate issued for a child born to one of them, using sperm from an anonymous donor.

De Facto Parent Recognition

Iowa Code § 144.13(2), overruled by [*Gartner v. Iowa Department of Public Health*, 830 N.W.2d 335 \(Iowa 2013\)](#)

Iowa Code 144.13(2) creates a presumption of parenthood for a husband who is married to a woman at any time from conception to birth. In *Gartner v. Iowa Department of Health*, the Iowa Supreme Court held that this law violated the Equal Protection clause of the Iowa constitution because it excluded married same-sex couples from the presumption of parenthood. There is no presumption of parenthood for unmarried couples.



Laws Permitting Discrimination in Placement

Iowa Code § 237.1(7)

Iowa Administrative Code § 441—202.4 (234)

Foster Family Home License Application (470-0689) available as part of the [Prospective Families Inquiry Packet](#)

Iowa Code § 237.1(7) defines an "Individual" as "an individual person or a married couple who provides child foster care in a single-family home." The code does not reference sexual orientation or gender identity of prospective child foster care providers. The Iowa Administrative Code, which is authorized to create rules to implement the Code, says that "Race, color, or national origin may not be routinely considered in placement selections," but does not mention sexual orientation or gender identity. [See Iowa Administrative Code § 441—202.4 (234)] The Iowa Department of Human Services, which administers the foster care system, includes the following Policy Regarding Discrimination, Harassment, Affirmative Action and Equal Employment Opportunity on form 470-0689, the Foster Family Home License Application: "It is the policy of the Iowa Department of Human Services (DHS) to provide equal treatment in employment and provision of services to applicants, employees and clients without regard to race, color, national origin, sex, sexual orientation, gender identity, religion, age, disability, political belief or veteran status."

NONDISCRIMINATION

Employment

Iowa Code § 216.6(1)(a)

Iowa law forbids discrimination based on sexual orientation or gender identity in hiring or advertising for any job. There is also explicit protection against wage discrimination based on sexual orientation or gender identity [§ 216.6A(2)(a)]. Exceptions exist for employers who employ less than 4 employees [§ 216.6(6)(a)], employers hiring for work to be performed in a home where the employer or their family lives [§ 216.6(6)(b)], personal services to be performed for the employer or their family [§ 216.6(6)(c)], and religious institutions [§ 216.6(6)(d)].

Housing

Iowa Code § 216.8 and 8A

Iowa law forbids discrimination based on sexual orientation or gender identity in selling or leasing any property [Iowa Code § 216.8(1)(a)], in writing the terms for a lease or sale [Iowa Code § 216.8(1)(b)] or advertising any property for lease or sale [Iowa Code § 216.8(1)(c)]. This includes discrimination based on the sexual orientation or gender identity of guests of the persons buying or leasing the property [Iowa Code § 216.8(1)(d)]. Exceptions exist for religious institutions [Iowa Code § 216.12(1)(a)] and owner small, owner-occupied dwellings [Iowa Code § 216.12(1)(b) and (c)].



Public Accommodations

Iowa Code § 216.7

Iowa law forbids anyone operating a public accommodation from discriminating based on sexual orientation or gender identity, either in offering or advertising use of their facility [Iowa Code § 216.7(1)]. Public and private facilities are included in the definition of public accommodation [Iowa Code § 216.2(13)]. Limited exceptions exist for private clubs [Iowa Code § 216.2(13)], religious institutions [Iowa Code § 216.7(2)(a)] and renting rooms in a house where the landlord or their family lives [Iowa Code § 216.7(2)(b)].

Education

Iowa Code § 216.9

Iowa law forbids any educational institution from discriminating against students or employees based on sexual orientation or gender identity. An exception exists for religious schools [Iowa Code § 216.9(2)].

Adoption

Iowa Code § 600.4

The rights of LGBT Iowans to adopt children are not entirely settled. Iowa Code § 600.4(1) says that "an unmarried adult" can adopt a child, and does not appear to discriminate based on sexual orientation or gender identity. However, the remaining subsections of Code § 600.4, which talk about couples, consistently use the words "husband" and "wife," which implies exclusion of same-sex couples. Despite this, same-sex couples have been allowed to adopt children; for instance, the plaintiffs in *Gartner v. Iowa Department of Public Health* (which established the right of same-sex couples to have both spouses listed as parents on the birth certificate of a child born to one of them during their marriage) had previously completed a "second-parent" adoption, gaining legal recognition for both as parents of a child born to one of them before they were married. To date, there has not been a definitive legislative or judicial action establishing a clear right for LGBT couples to jointly adopt a child.

Foster Care

Iowa Code § 237.1(7)

Iowa Administrative Code § 441—202.4 (234)

Foster Family Home License Application (470-0689) available as part of the [Prospective Families Inquiry Packet](#)

Iowa Code § 237.1(7) defines an "Individual" as "an individual person or a married couple who provides child foster care in a single-family home." The code does not reference sexual orientation or gender identity of prospective child foster care providers. The Iowa Administrative Code, which is authorized to create rules to implement the Code, says that "Race, color, or national origin may not be routinely considered in placement selections," but does not mention sexual orientation or gender identity. [See Iowa Administrative Code § 441—202.4 (234)] The Iowa Department of Human Services, which administers the foster care system, includes the following Policy Regarding Discrimination, Harassment, Affirmative Action and Equal



Employment Opportunity on form 470-0689, the Foster Family Home License Application: "It is the policy of the Iowa Department of Human Services (DHS) to provide equal treatment in employment and provision of services to applicants, employees and clients without regard to race, color, national origin, sex, sexual orientation, gender identity, religion, age, disability, political belief or veteran status."

Insurance

Iowa Code § 216.10(1)(c)

Iowa law forbids the denial of life, health or accident insurance based on sexual orientation or gender identity.

Credit

Iowa Code § 216.10

Iowa law forbids the denial of credit or the imposition of different terms or interest rates based on sexual orientation or gender identity.

Jury Selection

Iowa Code § 607A.2

Iowa law forbids excluding an adult from jury service based on race, creed, color, sex, national origin, religion, economic status, physical disability, or occupation. Sexual orientation and gender identity are not included.

Non-Discrimination Policy for State Employees

Iowa Code § 216.6(1)(a)

The state of Iowa is explicitly included in the definition of "employer" as used throughout Chapter 216 of the Iowa Code. [See Iowa Code § 216.2(7)]

State Religious Freedom Restoration Act

Iowa does not have a state Religious Freedom Restoration Act.

Restrictions on Municipal Protections

Iowa Code § 216.19(1)(c)

Iowa Code § 216.19(1)(c) explicitly allows city or local governments to implement laws or ordinances that prohibit "broader or different categories of unfair or discriminatory practices."

Religious Exemptions for Professional Training/Practice

Iowa does not recognize any religious exemption for professional training or practice that allows discrimination based on sexual orientation or gender identity.



HATE CRIMES

Protection for Sexual Orientation

Iowa Code § 792A.2

Hate crimes are defined as crimes committed against a person of their property "because of the person's race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or the person's association with a person of a certain race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability."

Protection for Gender Identity

Iowa Code § 792A.2

Iowa does not have protections against hate crimes based on gender identity.

Required Reporting - Sexual Orientation

Iowa Code § 692.15(7)

Iowa Code § 692.15(7) requires the reporting of "hate crimes listed in section 729A.2," which include crimes committed because of the victim's sexual orientation.

Required Reporting - Gender Identity

Iowa Code § 692.15(7)

Iowa does not have protections against hate crimes based on gender identity.

YOUTH LAW

Anti-Bullying Laws

Iowa Code §280.28

(1) Enumerated Categories in Law

Iowa Code §280.28(2)(c)

There are 17 enumerated categories that are protected from bullying and harassment in schools, specifically including gender identity and sexual orientation.

(2) Enumerated Model Policy

Iowa Code § 280.28(3)

Iowa Code § 280.28(3) requires adoption and distribution of an anti-bullying policy by school and schools boards. The Code contains an enumerated model policy listing the following components as minimum requirements for an anti-bullying/harassment policy to be valid:

- Anyone on school campus will not engage in bullying or harassment



- Anyone on school campus will not engage in retaliation or false accusations against anyone with reliable information about an incident of bullying or harassment
- A clear definition of bullying and harassment
- Clear expectations and guidelines of prevention measures, reporting, and investigating bullying and harassment
- Clear explanation of consequences of anyone violating the anti-bullying and harassment policy
- Procedure for reporting harassment or bullying, including a job title of the school official who is in charge of ensuring the anti-bullying and harassment policies is implemented, and the name or job title of the official responsible for receiving reports of bullying and harassment
- A clear protocol for prompt investigation, and identifying the individual responsible for conducting objective investigations
- A statement of how the policy is publicized

(3) Alternative Discipline

Iowa Code § 280.28(4)

Alternative Discipline includes forms of discipline that focus on educating the offending party, prevention training, and support for victims. While there is no law or policy in Iowa requiring that a school have alternative disciplinary measures in place, Iowa Code § 280.28(4) does encourage schools to focus on prevention training and skills building if they are financially able to.

(4) Cyberbullying

Iowa Code § 280.28(2)

Iowa Code § 280.28(2)(b), which defines "bullying" and "harassment," explicitly includes "electronic" conduct. "Electronic" under § 280.28(2)(a) "includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging."

Transgender Inclusion in Sports

Iowa Code § 216.9(1)

[Iowa High School Athletic Association Transgender Guidelines](#)

There is no specific law on transgender inclusion in sports. Discrimination by an educational institution on the basis of an individual's sexual orientation and gender identity is prohibited by Iowa Code § 216.9(1). An exception is made for athletic programs in § 216.9(1)(a), but § 216.9(1)(b) expressly forbids "denial of comparable opportunity in intramural and interscholastic athletic programs." This suggests that a school would be permitted to prevent an LGBT student from joining a specific team, as long as there is another team playing the same sport which the student can join. The Iowa High School Athletic Association's "Transgender Guidelines" provide guidance for respectful treatment and accommodation of transgender student athletes.

Protection from Conversion Therapy

There are currently no laws or court cases regarding conversion therapy in Iowa.



Laws to Address LGBT Youth Homelessness

There are no Iowa laws which specifically address LGBT homelessness, but a few that address assistance to homeless youth and adults. The Iowa Finance Authority is to appropriate no less than \$546,000 per year for homeless shelter assistance [Iowa Code §16.41(1-2)]. In addition the law allows, but does not require, each county to create a runaway treatment plan and assessment center to address problems with chronic runaway children in the county [Iowa Code §232.195, §232.196(1)]. Finally, the Department of Education is required to facilitate access to education free of stigmatization for homeless youth [Iowa Administrative Code § 281.33].

LGBT Inclusive Sex Education Laws

Iowa Code § 279.50

Iowa Code § 279.50(2) mandates that "age-appropriate and research-based" health and human sexuality education be provided to every student in grades 1 through 12, including education on HPV, self-esteem, interpersonal relationships, domestic abuse, and HIV. § 279.50(9)(d)(2) defines "research-based" as "information that is free of racial, ethnic, sexual orientation, and gender biases."

LGBT Inclusive Juvenile Justice Policies

Iowa Code § 19B.12(2)

Iowa has no laws addressing discrimination against LGBT individuals or discrimination in the juvenile justice system. The only protection prohibits discrimination or harassment by a state employee of a person in their custody on the basis of sex [Iowa Code § 19B.12(2)].

School Laws That Criminalize Youth

A school law that criminalizes youth may include phrases like "zero-tolerance." The Iowa Code does not require schools to implement a policy like this. The current law states that schools must have a policy in place that addresses bullying, however the form of consequence is left to the discretion of the official appointed as the liaison that investigates and enforces the policy. Because of this, some schools in Iowa have a policy that is labeled "zero-tolerance" and some do not. There has been research stating that policies focusing on redirection, prevention, and education are more effective than policies that focus on harsh punishment.

Laws that Restrict Inclusion of LGBT Topics in Schools

There are no laws that prohibit discussion of LGBT topics in schools; in addition discrimination is prohibited by an educational institution based on sexual orientation and gender identity [Iowa Code §216.9 (1)]. When states do have laws restricting LGBT topics in schools they are usually applied to sex education policies, where Iowa requires programs free of sexual orientation and gender biases [Iowa Code § 279.50(9)(d)(2)].



HEALTH AND SAFETY

LGBT Non-Discrimination in Affordable Care Act (ACA) Exchanges – Sexual Orientation [Iowa Health Insurance Marketplace](#)

ACA coverage in Iowa is administered through the federal health insurance exchange, which includes protections against discrimination based on sexual orientation.

LGBT Non-Discrimination in Affordable Care Act (ACA) Exchanges – Gender Identity [Iowa Health Insurance Marketplace](#)

ACA coverage in Iowa is administered through the federal health insurance exchange, which includes protections against discrimination based on gender identity.

Ban on Insurance Exclusions for Trans Health Care

Iowa law does not prevent the exclusion of transition-related health care services from health insurance coverage.

Name Change Law - Driver's License

Iowa Administrative Code § 601.5(5)

Iowa Administrative Code § 601.5(5) sets the procedure for the Iowa Department of Transportation to change the name on a driver's license, which requires an affidavit accompanied by a court order to establish the legal name change. Additionally, § 601.5(7) permits the Iowa Department of Transportation to change the sex designation on a driver's license if the applicant "submits a certified amended birth certificate that documents the change of sex designation and that meets the requirements of paragraph 601.5(1)(b), or submits a court-ordered change of sex designation."

Name Change Law - Birth Certificate

Iowa Code § 144.23(3)

Iowa law does not explicitly allow a trans individual to change the name on their birth certificate. Iowa Code § 144.23(3) requires the state registrar to issue a new birth certificate upon receipt of "a notarized affidavit by a licensed physician and surgeon or osteopathic physician and surgeon stating that by reason of surgery or other treatment by the licensee, the sex designation of the person has been changed." However, the registrar is allowed to "make a further investigation or require further information necessary to determine whether a sex change has occurred."

Behavioral Risk Factor Surveillance System (BRFSS) Data Collection - Sexual Orientation

Iowa Department of Public Health BRFSS

Starting in 2014, the Iowa Department of Public Health began collecting BRFSS data on sexual orientation as recommended by the Centers for Disease Control and Prevention. This information will be analyzed and made available in forthcoming annual reports.



Behavioral Risk Factor Surveillance System (BRFSS) Data Collection - Gender Identity

[Iowa Department of Public Health BRFSS](#)

Starting in 2014, the Iowa Department of Public Health began collecting BRFSS data on gender identity as recommended by the Centers for Disease Control and Prevention. This information will be analyzed and made available in forthcoming annual reports.

Youth Risk Behavior Survey (YRBS) Data Collection - Sexual Orientation

[Iowa 2013 State and Local Youth Risk Behavior Survey](#)

Iowa's Youth Risk Behavior Survey does collect information about sexual orientation.

Youth Risk Behavior Survey (YRBS) Data Collection - Gender Identity

[Iowa 2013 State and Local Youth Risk Behavior Survey](#)

Iowa's Youth Risk Behavior Survey limits gender identity identification to only male or female.

Family Medical Leave Pertaining to Children

Iowa Administrative Code § 11-64.3(1) (state employees only)

Iowa Administrative Code § 11-64.3(1) explains the conditions under which Iowa state employees can take leave under the federal Family and Medical Leave Act. The language of the statute consistently refers to "employees" and "spouses," suggesting that LGBT individuals or same-sex couples should be eligible for FMLA leave to care for their children.

Trans Inclusive Health Benefits for State Employees

Iowa Administrative Code § 64.1

Health plans offered to Iowa state employees do not cover transition-related services or procedures.

Sodomy Criminalization

Iowa does not have laws which criminalize sodomy.

AIDS/HIV Criminalization

Iowa Code § 709D(3)

In 2014, the Iowa Legislature repealed existing Iowa Code § 709C, "Criminal Transmission of Human Immunodeficiency Virus," and replaced it with § 709D, "Contagious or Infectious Disease Transmission Act." Under the new law, intentional transmission is a Class B felony. Intent with no transmission OR transmission with reckless disregard are Class D felonies. Reckless disregard without transmission is a serious misdemeanor. The new law creates an affirmative defense for good faith compliance with a treatment regimen *and* adherence to behavioral recommendations, and covers transmission of Hepatitis, TB, and meningococcal disease in addition to HIV/AIDS.



Laws Prohibiting Trans People from Changing IDs

Iowa Administrative Code § 601.5

Iowa does not have laws which prohibit trans people from changing their IDs. Iowa Administrative Code § 601.5(5) requires a court order to change the name on a petitioner's driver's license. § 601.5(7) permits the Iowa Department of Transportation to change the sex designation on a driver's license if "applicant submits a certified amended birth certificate that documents the change of sex designation and that meets the requirements of paragraph 601.5(1)(b)," or on the basis of a Court order.

Exceptions in State Medicaid

Iowa Administrative Code § 441.78.1(4)(d)

The Iowa Administrative Code excludes from Medicaid coverage any surgical procedure "which is performed primarily for psychological purposes... but which does not correct or materially improve the bodily functions." Sex reassignment surgery is specifically listed under § 441.78.1(4)(d)(15) as a procedure excluded from coverage under those criteria.