

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 1940 (Calderon) – As Introduced February 13, 2026

As Proposed to be Amended

**SUBJECT:** UNLAWFUL PRACTICES: DISCRIMINATION: MENOPAUSE

**KEY ISSUES:**

- 1) SHOULD THE DEFINITION OF “MEDICAL CONDITION,” FOR PURPOSES OF THE ANTI-DISCRIMINATION PROVISIONS UNDER THE FAIR EMPLOYMENT AND HOUSING ACT, BE EXPANDED TO INCLUDE PERIMENOPAUSE, MENOPAUSE, AND POST-MENOPAUSE?
- 2) SHOULD THE CIVIL RIGHTS DIVISION AND THE GOVERNOR’S OFFICE OF COMMUNITY PARTNERSHIPS AND STRATEGIC COMMUNICATIONS TAKE SPECIFIED STEPS TO RAISE AWARENESS ABOUT THE EMPLOYMENT RIGHTS OF PERSONS EXPERIENCING MENOPAUSE AND RELATED CONDITIONS?

**SYNOPSIS**

*According to the author, millions of working women experience menopause or will soon experience menopause or menopausal symptoms. Despite these numbers, the author contends that existing law does not clearly protect women experiencing menopause from workplace discrimination. California’s Fair Employment and Housing Act (FEHA) prohibits discrimination in employment and housing on the basis of several protected characteristics, including sex, age, and medical condition, any of which might arguably prohibit discrimination on the basis of menopause. Existing anti-discrimination provisions in FEHA define “sex” to include pregnancy or medical conditions related to pregnancy, childbirth or medical conditions related to childbirth, and breastfeeding or medical conditions relating to breastfeeding. Existing law defines “medical condition” to mean any health impairment related to a diagnosis of cancer and genetic characteristics, as defined. As proposed to be amended, this bill would expand the definition of “medical condition” to expressly include perimenopause, menopause, or post-menopause.*

*The bill also seeks to expand awareness about menopause-related conditions by (1) requiring the Civil Rights Department to update posters on discrimination to notify employees of their rights and protections in regard to perimenopause, menopause, and post-menopause, and (2) requiring the Governor’s Office of Community Partnerships and Strategic Communications to raise awareness of the employment rights of persons experiencing perimenopause, menopause, post-menopause, or related medical conditions.*

*The bill is sponsored by the California Commission on the Status of Women and Girls and supported by California Employment Lawyers Association, among others. It is opposed by the California Chamber of Commerce and the California Apartment Association, among others. The bill recently passed out of the Assembly Labor Committee unanimously. The author will amend*

*the bill in this Committee; the amendments are reflected in the summary and discussed in the analysis.*

**SUMMARY:** Expands the definition of “medical condition,” as a protected category under the Fair Employment and Housing Act (FEHA), to include perimenopause, menopause, or post-menopause and makes other changes to expand awareness of the employment rights of women experiencing menopause. Specifically, **this bill:**

- 1) Includes perimenopause, menopause, and post-menopause within the definition of “medical condition” as a protected characteristic under FEHA.
- 2) Specifies that a person seeking protection pursuant to 1) above does not need to prove that perimenopause, menopause, or post-menopause is having a major effect on their life and would only need to show a physician’s note stating the person is experiencing perimenopause, menopause, or post-menopause.
- 3) Requires the Civil Rights Department to update a mandatory poster on employment discrimination, on or before July 1, 2027, to notify employees of their rights and protections in regard to perimenopause, menopause, post-menopause, or related medical conditions.
- 4) Requires the Office of Community Partnerships and Strategic Communications, within the Governor’s Office of Service and Community Engagement, on or before July 1, 2027, to initiate, by specified means, a campaign to raise awareness of the employment rights of women experiencing perimenopause, menopause, and post-menopause.

**EXISTING LAW:**

- 1) Prohibits discrimination in employment and housing on the basis of certain protected characteristics, including discrimination based on race, religion, color, national origin, ancestry, physical disability, mental disability, reproductive health decision-making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status. (Government Code Sections 12940 and 12955.)
- 2) Establishes the Civil Rights Department to receive, investigate, conciliate, mediate, and prosecute complaints alleging violations of FEHA and other civil rights statutes in the Civil Code. (Government Code Sections 12930-12935.)
- 3) Defines “medical condition” under FEHA to mean any health impairment related to or associated with cancer or a record or history of genetic conditions, as specified. (Government Code Section 12926(i).)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** According to the author:

For too long, workers experiencing menopause have navigated the workplace without a clear understanding of their rights. AB 1940 makes it clear that no one should face discrimination or harassment because of a natural biological transition, and it ensures employees know the protections available to them. With women representing roughly

half of the population, and approximately 57.3% participating in the workforce, menopause will impact a significant portion of employees during their careers. Supporting women during this stage of life helps ensure they can navigate this transition with dignity, stability, and the resources they need to continue thriving professionally.

This bill directly affects women in the workplace and promotes economic equity by recognizing the challenges associated with a significant biological transition. Women often experience physical, emotional, and cognitive changes during menopause while still being expected to meet workplace standards that were historically designed without these realities in mind. Too often, women are not provided with reasonable accommodations, and many are unaware that they have rights that allow them to request support. By increasing awareness and encouraging workplace protections, this bill helps ensure that women can continue to contribute fully and fairly in their professional roles. When workers understand their rights and businesses understand their responsibilities, we create healthier workplaces and retain experienced employees who are vital to our economy.

California's Fair Employment and Housing Act (FEHA) prohibits discrimination in employment and housing on the basis of several protected characteristics, including sex, age, and medical condition, any of which might arguably prohibit discrimination on the basis of menopause. Existing anti-discrimination provisions in FEHA define "sex" to include pregnancy or medical conditions related to pregnancy, childbirth or medical conditions related to childbirth, and breastfeeding or medical conditions relating to breastfeeding. Existing law defines "medical condition" to mean any health impairment related to a diagnosis of cancer and genetic characteristics, as defined. Although the bill in print expands the definition of "sex" to expressly include perimenopause, menopause, or post-menopause, the bill as proposed to be amended would expand the definition of "medical condition" to include these conditions. It is not entirely clear why the author opted to expand the definition of "medical condition" instead of expanding the definition of "sex." In many ways the conditions included in the existing definition of "sex" seem to have more affinity with pregnancy, childbirth, breastfeeding and related conditions (all of which happen exclusively to persons defined as female at birth), than it does to cancer and genetic characteristics, which can happen to people of any biological sex or gender identity. Nevertheless, because both "sex" and "medical condition" are listed as "protected characteristics" under FEHA, defining either one to include perimenopause, menopause, and post-menopause will have the effect of making those conditions a protected characteristic.

As proposed to be amended, the bill also specifies that a person alleging discrimination under this bill does not need to prove that perimenopause, menopause, or post-menopause is having a major effect on their life and would only need to show a physician's note stating the person is experiencing perimenopause, menopause, or post-menopause. While the intent of this provision is to make it easier for someone experiencing menopause to bring a complaint, there is no reason to believe that someone alleging discrimination on the basis of a medical condition would need to show it had a major impact on their life. Rather, showing an impact on a major life activity is usually a requirement for demonstrating that one suffers from a "disability." Because this bill is not defining menopause as a disability, there would be no need to show that it interfered with a major life activity.

***Menopause under existing anti-discrimination law.*** The opponents of this bill claim that women experiencing menopause are already protected from discrimination and that employers

are already required to provide “reasonable accommodations” to women experiencing menopause. However, while the opposition has suggested that there may be some case law supporting this position, it does not necessarily follow from a plain reading of the statute. While existing law does not expressly reference menopause, it does require employers to provide reasonable accommodations for individuals with a physical or mental disability. Therefore, the opposition’s position that it is already covered under the reasonable accommodation requirements is only valid if menopause rises to the level of a “physical disability.” FEHA defines “physical disability” to include, but is not limited to, “any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:” (1) affects a major bodily system and (2) limits a major life activity. The definition of “physical disability” expressly excludes “sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.” (Government Code Section 12926(m)(1).) In short, menopause is neither expressly included nor expressly excluded from the definition of “physical disability.” Thus, there is at least some ambiguity as to whether a person experiencing menopause is entitled to reasonable accommodations, at least in the plain text of the statute.

Whether existing law requires reasonable accommodation, this bill is not limited to the requirement for reasonable accommodations. Rather, by effectively making menopause a protected characteristic the bill would provide protections beyond providing reasonable accommodation. As a protected characteristic under FEHA, a person experiencing menopause would be protected from any adverse action by their employer arising because the person is experiencing menopause. That distinction is seemingly at the root of the opposition concern. If, as the opponents claim, discrimination on the basis of menopause is already unlawful, then there would be no reason for them to oppose a bill making it unlawful. When the opponents say that it is already covered by existing law, they mean that existing law (arguably) already requires an employer to make a reasonable accommodation; it does not, however, protect employees from adverse actions. This bill will not only require reasonable accommodations, but it will also prohibit all forms of discrimination based on the person experiencing menopause.

***Raising awareness about menopause and employee rights.*** The bill also seeks to expand awareness about menopause-related conditions by requiring the Civil Rights Department to update posters that notify employees of their right to be free of unlawful discrimination so that they will also notify employees of their rights if they are experiencing perimenopause, menopause, and post-menopause. In addition, the bill will require the Office of Community Partnerships and Strategic Communications (within the Governor’s office) to initiate educational programs to raise awareness about the employment rights of persons experiencing perimenopause, menopause, post-menopause, or related medical conditions.

***Proposed author amendments.*** The bill in print amends the definition of “sex” to include perimenopause, menopause, and post menopause. The author wishes to amend the bill to instead amend the definition of “medical condition” to include these conditions. In addition, the bill seeks to clarify that an employee need not show that the condition does not need to prove that the condition has a major effect on their life but may simply provide a physicians note. Specifically, the amendments are as follows:

- On page 5, line 18 change “either” to “any”

- On page 5, after line 35 insert: *(3) Perimenopause, menopause, and postmenopause. For purposes of this paragraph, a person does not need to prove that perimenopause, menopause, or postmenopause is having a major effect on their life and shall only need to show a physician's note stating that the person is experiencing perimenopause, menopause, or post menopause.*
- On page 9, delete lines 3-5.

**ARGUMENTS IN SUPPORT:** The California Commission on the Status of Women supports this bill because it will expand definitions in FEHA to prohibit discrimination on the basis of perimenopause, menopause, and post-menopause and will “further require the Governor’s Office to raise awareness of the employment rights of individuals experiencing such conditions and require workplace discrimination posters to notify employees of these rights.” The Commission explains the need for the bill as follows:

According to the Center for Human Capital Innovation, 39 million women in the U.S. workforce currently experience or will soon experience menopause and related conditions. While current law prohibits discrimination on the basis of sex, the lack of specific protections for women experiencing these conditions can leave women in the workforce inadequately informed about their workplace rights. This can keep them from disclosing and discussing symptoms with employers, as well as keep them from requesting reasonable accommodations. Research further shows that menopause-related challenges have contributed to an estimated \$1.8 billion loss in annual work productivity and may lead women to leave jobs and reduce their work hours. AB 1940 will help ensure that women have fair and equal access to employment to which menopausal conditions are not a barrier.

**ARGUMENTS IN OPPOSITION:** The California Chamber of Commerce, the California Apartment Association, the California Restaurant Association, and the National Federation of Independent Businesses (opponents) contend that:

California already protects women experiencing symptoms because of perimenopause, menopause, or post-menopause through the reasonable accommodation process. AB 1940 would take these conditions out of the accommodation framework and create an automatic basis for an individual in this new classification to challenge any adverse employment action, which would apply to approximately 40% of the workforce. This makes it difficult to enforce workplace policies out of concern for a floodgate of litigation. Between litigation exposure and creating a new protected classification, AB 1940 will increase the cost of doing business in California and the cost of goods and services.

Any misstep could subject employers to compensatory damages, emotional distress damages, punitive damages, and attorneys’ fees. California already has the highest litigation rate for employment claims in the country. A 2017 study by insurance provider Hiscox regarding the cost of employee lawsuits estimated that the cost for a small to mid-size employer to defend and settle a single plaintiff discrimination claim was approximately \$160,000, which was a \$35,000 increase from Hiscox’s study just two years earlier. This amount, especially for a small employer, reflects the financial risk associated with defending a lawsuit under FEHA. In 2016, Hiscox found that U.S. companies had a 10.5% chance of having an employment charge filed against them. For

California, that percentage was 56.5%. According to the Civil Rights Department (CRD)1 annual reports, thousands of complaints are filed each year, with more than 50% of those employees choosing to immediately pursue civil litigation instead of having the CRD investigate their claim. According to the CRD's 2024 Annual Report2 there were 16,924 cases with an immediate right to sue. This demonstrates the increased litigation exposure that businesses, including small businesses, face litigating employment claims.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Commission on the Status of Women and Girls  
California Employment Lawyers Association  
California Teachers Association  
CFT – A Union of Educators & Classified Professionals  
Delta Dental of California  
Menowar LLC  
Wisepause Wellness

### **Opposition**

California Apartment Association  
California Chamber of Commerce  
California Restaurant Association  
National Federation of Independent Business

**Analysis Prepared by:** Tom Clark / JUD. / (916) 319-2334