

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1940 (Calderon) – As Amended April 23, 2026

Policy Committee:	Labor and Employment	Vote:	7 - 0
	Judiciary		9 - 3

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill includes menopause and related medical conditions within the definition of “sex” under the California Fair Employment and Housing Act (FEHA).

Specifically, this bill:

- 1) Expands the definition of “sex” under FEHA to include perimenopause, menopause, or postmenopause or other related medical conditions (“menopause”).
- 2) Requires, by July 1, 2027, the Civil Rights Department (CRD) to update the poster CRD provides on discrimination in employment to notify women of their rights and protections regarding menopause.
- 3) Requires, by July 1, 2027, the Office of Community Partnerships and Strategic Communications (OCPSC) to take certain actions to raise awareness of the employment rights of women experiencing menopause, including developing and distributing culturally competent and linguistically appropriate public education materials; coordinating with CRD, Department of Industrial Relations (DIR), Employment Development Department (EDD), and State Department of Public Health (CDPH) to ensure accuracy of information; partnering with external organizations to expand outreach efforts; and providing referrals to enforcement and support resources.

FISCAL EFFECT:

- 1) Ongoing costs of an unknown, but potentially significant amount, in excess of \$150,000, to the state as an employer to ensure compliance with expanded workplace protections for employees experiencing menopause (General Fund (GF) or special fund). The magnitude of costs depends on the number of protected employees and the state’s existing practices regarding such employees. According to the California Health Benefits Review Program, there are approximately five million women aged 40 to 64 years in California, many of whom experience mild, moderate, or severe menopause symptoms for a few months to more than 12 years.

Similarly, potentially significant ongoing costs to local government employers, which the state would not need to reimburse because this bill’s new requirements for local agencies equally apply to the private sector.

- 2) Costs in the hundreds of thousands of dollars annually to CRD for additional staff workload resources to investigate, mediate, and litigate the anticipated increase in complaints of sex-based discrimination (GF).
- 3) By expanding what constitutes an unlawful employment practice enforceable by CRD, this bill may result in new civil actions filed by CRD against an employer, thus increasing cost pressures of an unknown amount to the state court system (Trial Court Trust Fund). However, the magnitude of such actions is likely small, as CRD has an extensive process to attempt to resolve complaints prior to bringing a civil action.
- 4) Ongoing costs of an unknown, but likely significant amount, to OCPSC to implement the comprehensive awareness plan outlined in this bill within six months, including staff workload resources and printing, media, and translation costs. Additionally, the limited-term budget funding for OCPSC is scheduled to expire at the end of this fiscal year, so requiring OCPSC to lead the awareness campaign instead of another state entity may result in additional overhead costs related to continuing the office's expiring duties.
- 5) Likely absorbable costs to CRD, DIR, EDD, and CDPH to coordinate with OCPSC to ensure the accuracy of informational materials.

The Legislative Analyst's Office recently warned of GF structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

COMMENTS:

- 1) **Purpose.** According to the author:

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.

- 2) **FEHA.** FEHA prohibits employment discrimination on the basis of the following protected characteristics: race, religious creed, 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 military and veteran status. Under FEHA, "sex" is defined to include, but not is not limited to: (a) pregnancy or medical conditions related to pregnancy, (b) childbirth or medical conditions related to childbirth, and (c) breastfeeding or medical conditions related to breastfeeding. FEHA also requires an employer to make "reasonable accommodations" for an employee with a known physical or mental disability, so long as the accommodation does not impose an undue burden on the employer.

This bill adds perimenopause, menopause, or postmenopause or related medical conditions to the definition of "sex" under FEHA. According to the Assembly Judiciary Committee analysis on this bill:

Discrimination against menopause, therefore, would not only entitle the person experiencing menopause to reasonable accommodation; it would protect that person from any adverse action by their employer arising because of that fact. 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; existing law does not, however, protect employees from other discriminatory adverse actions. This bill would provide that wider protection.

This bill also requires CRD to update informational posters to notify employees of their rights and protections regarding menopause and requires OCPSC to develop and implement various menopause awareness and outreach efforts.

- 3) **Support and Opposition.** This bill is sponsored by the California Commission on the Status of Women and Girls, which argues the lack of specific protections for women experiencing menopause “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.” This bill is also supported by labor organizations and menopause awareness groups.

This bill is opposed by a coalition of employer organizations, led by the California Chamber of Commerce, which argues this bill would take menopause “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.”

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