

ASSEMBLY THIRD READING
AB 1940 (Calderon)
As Amended May 18, 2026
Majority vote

SUMMARY

Expands the definition of "sex," as a protected category under the Fair Employment and Housing Act (FEHA), to include perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

Major Provisions

- 1) Requires, beginning July 1, 2027, the Commission on the Status of Women and Girls to raise awareness of the employment rights of women experiencing perimenopause, menopause, or postmenopause by doing all of the following:
 - a) Developing and distributing public education materials that clearly explain employment rights and workplace protections applicable to employees experiencing menopause-related symptoms, including, but not limited to, rights related to reasonable accommodations and retaliation under state and federal law.
 - b) Ensuring culturally competent and linguistically appropriate outreach by making all public education materials available in the languages required by state law, as described, and tailoring messaging to reach diverse communities, including women of color, low-income workers, immigrant workers, older workers, and workers in industries with historically limited access to workplace protections information.
 - c) Coordinating with relevant state agencies, as specified, to ensure accuracy, consistency, and clarity of information regarding menopause-related employment rights and resources.
 - d) Partnering with community-based organizations, labor organizations, employer associations, and health advocacy organizations to expand the reach of outreach efforts and ensure materials are distributed through trusted messengers and accessible community channels.
 - e) Conducting statewide public awareness campaigns, including digital, print, and media outreach, to educate both employees and employers about menopause in the workplace, with an emphasis on reducing stigma, promoting understanding, and encouraging compliance with existing employment laws.
 - f) Providing referrals to enforcement and support resources, including information on how employees may file complaints, seek accommodations, or access legal, medical, or workplace support for menopause-related employment issues. Periodically evaluating the effectiveness of outreach efforts, using available data and community feedback, and updating strategies and materials as necessary to address identified gaps and emerging needs.
- 2) Expands the definition of "sex" as a protected category under FEHA, to include perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

- 3) Requires, on or before July 1, 2027, the Civil Rights Department (CRD) to update its discrimination in employment poster to notify women of their rights and protections in regard to perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.

COMMENTS

Menopause is generally defined as occurring when a woman's menstrual period stops permanently for at least 12 months. For some women, menopause can last for up to a decade. Common symptoms include hot flashes, night sweats, mood changes, cognitive changes, and insomnia.¹ The many symptoms of menopause can make participating in the workforce difficult for women. By adding menopause and the related before and after stages of menopause to protection under FEHA, this bill provides an avenue for women experiencing these transitions to receive accommodations at work. According to the CDC, "Workplaces can support women who may be experiencing menopause by offering flexible working arrangements, adjustable room temperatures, non-restrictive and breathable uniforms, and adequate access to restrooms."²

According to the Author

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."

Arguments in Support

According to the California Commission on the Status of Women and Girls, a sponsor to the bill, "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."

Arguments in Opposition

A coalition of employer associations, including the California Chamber of Commerce, is opposed and states, "We agree that women experiencing symptoms due to perimenopause, menopause, and post menopause should have protections. Under current law, where menopause-related symptoms rise to the level of a medical condition or disability under FEHA, employers are already required to engage in the interactive process and provide reasonable accommodation where appropriate. *See Sipple v. Crossmark, Inc.*, 2012 WL 2798791 (E.D. Cal. 2012). That framework allows for a conversation between the employee and employer to find an appropriate accommodation and takes into account potential fiscal impacts, especially on small businesses. It

¹ Menopause: The Journal of The Menopause Society, Vol. 31, No. 9, p. 741.

² The Center for Disease Control, "Menopause, Women's Health, and Work," November 14, 2024. May be accessed at: Menopause, Women's Health, and Work | Women's Health | CDC.

also protects employee privacy because employers are prohibited from ever asking what an employee's medical condition is – they are only supposed to know what accommodations are being requested or recommended by a medical professional. FEHA therefore already provides broad remedies and expansive protections for menopause-related conditions, and we are concerned that AB 1940's language will open public and private employers up to litigation..."

FISCAL COMMENTS

According to the Assembly Appropriations Committee,

- 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 the Commission on the Status of Women and Girls (Commission) to implement the comprehensive awareness plan outlined in this bill, including staff workload resources and printing, media, and translation costs.
- 5) Likely absorbable costs to Civil Rights Department (CRD), Department of Industrial Relations (DIR), Employment Development Department (EDD), and State Department of Public Health (DCDPH) to coordinate with the Commission to ensure the accuracy of informational materials.

VOTES

ASM LABOR AND EMPLOYMENT: 7-0-0

YES: Ortega, Alanis, Chen, Elhawary, Kalra, Lee, Arambula

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

ASM APPROPRIATIONS: 11-3-1

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Dixon, Ta, Tangipa

ABS, ABST OR NV: Hoover

UPDATED

VERSION: May 18, 2026

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FN: 0002841