
THIRD READING

Bill No: AB 1940
Author: Calderon (D), et al.
Amended: 8/21/26 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 9-0, 6/16/26

AYES: Umberg, Allen, Caballero, Durazo, Laird, Reyes, Stern, Wahab, Wiener

NO VOTE RECORDED: Niello, Ashby, Valladares, Weber Pierson

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-0, 7/1/26

AYES: Smallwood-Cuevas, Cortese, Durazo, Laird

NO VOTE RECORDED: Strickland

SENATE APPROPRIATIONS COMMITTEE: 5-1, 8/13/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto

NO VOTE RECORDED: Dahle

ASSEMBLY FLOOR: 61-9, 5/26/26 - See last page for vote

SUBJECT: Unlawful practices: discrimination: menopause

SOURCE: California Commission on the Status of Women and Girls

DIGEST: This bill adds, to the definition of “sex” within the California Fair Employment and Housing Act (FEHA), perimenopause, menopause, or postmenopause, or medical conditions related to perimenopause, menopause, and postmenopause; and provides that “medical conditions,” as used in connection with perimenopause, menopause, and postmenopause include, but are not limited to, the existing definition of “medical condition” within FEHA.

Senate Floor Amendments of 8/21/26 add contingent enactment language to avoid a conflict with AB 2563 (Pacheco).

ANALYSIS:

Existing law:

- 1) Establishes the FEHA, which makes it an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations, for an employer, on the basis of a person's protected characteristics, to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment. (Government (Gov.) Code, § 12940.)
- 2) Provides that the protected characteristics under FEHA are: 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 veteran or military status. (Gov. Code, § 12940.)
- 3) Defines the following relevant terms within the FEHA:
 - a) "Employer" includes any person regularly employing five or more persons, with specified exceptions for religious associations and nonprofit organizations.
 - b) "Medical condition" means either (1) any health impairment related to, or associated with, a diagnosis of cancer or a record or history of cancer, or (2) genetic characteristics, as defined.
 - c) "Reasonable accommodation" may include either of the following: (1) making existing facilities used by employees readily accessible to, and useable by, individuals with disabilities; or (2) job-restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials, or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
 - d) "Sex" includes, but is not limited to, all of the following:
 - i) Pregnancy or medical conditions related to pregnancy.

- ii) Childbirth or medical conditions related to childbirth.
 - iii) Breastfeeding or medical conditions related to breastfeeding.
 - iv) A person's gender, which means sex, and includes a person's gender identity and gender expression; "gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. (Gov. Code, § 12926.)
- 4) Requires the Civil Rights Department (CRD) to create a poster on discrimination in employment and the illegality of sexual harassment that sets forth specified information, which an employer must post in a prominent and accessible location in the workplace. (Gov. Code, § 12950.)

This bill:

- 1) Provides that the definition of "sex" within the FEHA includes perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, and postmenopause.
- 2) Provides that "medical condition," as used in connection with 1), includes, but is not limited to, the conditions included in the FEHA's definition of "medical condition."
- 3) Requires the CRD, on or before July 1, 2027, to update its employment discrimination and sexual harassment poster to notify people of their rights and protections in regard to perimenopause, menopause, or postmenopause or medical conditions related to perimenopause, menopause, or postmenopause.
- 4) Adds contingent enactment language to avoid a conflict with AB 2563 (Pacheco, 2026).

Comments

The FEHA protects against discrimination on the basis of specified characteristics in employment and housing. Protected characteristics include sex, which includes pregnancy, gender, and gender identity, and age, beginning with persons aged 40 years or older. The FEHA also prohibits discrimination on the basis of an intersection of protected characteristics.

This bill expressly adds "perimenopause, menopause, or postmenopause, or medical conditions related to perimenopause, menopause, and postmenopause" to the FEHA's definition of "sex." While these characteristics should already be

covered under the definition of sex, or as a form of intersectional discrimination combining sex and age, this bill is intended to remove any ambiguity and to make clear that employees experiencing menopause are protected even if their menopause symptoms are not so severe that they qualify as a disability or medical condition under the FEHA. Additionally, this bill provides that medical conditions relating to perimenopause, menopause, and postmenopause include, but are not limited to, conditions that fall under the FEHA's existing definition of "medical condition." This bill also seeks to expand awareness about menopause-related conditions by requiring the CRD to update posters on discrimination to notify employees of their rights and protections in regard to perimenopause, menopause, and postmenopause.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/21/26)

California Commission on the Status of Women and Girls (source)
American College of Obstetricians and Gynecologists, District IX
California Teachers Association
Menopause Education Center
Two individuals

OPPOSITION: (Verified 8/21/26)

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

ARGUMENTS IN SUPPORT: According to the American College of Obstetricians and Gynecologists, District IX:

From a clinical standpoint, menopause is not a single event; it is a transition that can last years, often coinciding with a woman's peak professional responsibilities. Many women experience significant symptoms, including hot flashes, sleep disruption, cognitive changes, anxiety, depression, and musculoskeletal pain. These are not trivial inconveniences. They can materially impact a person's ability to perform at work without reasonable support.

Too often, however, these experiences are stigmatized, misunderstood, or dismissed. As a result, women may suffer in silence, reduce their hours, or leave the workforce entirely. That is a loss not only to those individuals, but also to employers and to California's economy.

AB 1940 does two important things. First, it provides legal clarity so that workers experiencing menopause-related conditions are protected from discrimination and have access to reasonable accommodations, just as California law already recognizes protections for pregnancy and related conditions. Second, it promotes education and awareness so employers better understand both their obligations and the practical, low-cost accommodations that can make a meaningful difference, such as flexible scheduling, temperature control, or access to breaks.

Supporting menopausal women in the workplace is not burdensome; it is sound workforce policy. It improves retention, productivity, and equity for a substantial portion of California's workforce.

ARGUMENTS IN OPPOSITION: According to a coalition of this bill's opponents:

We agree that women experiencing symptoms due to perimenopause, menopause, and postmenopause 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 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 as explained below...

By adding perimenopause, menopause, and postmenopause to the definition of "sex" in FEHA, our concern is that this creates a new, automatic basis on which to challenge any adverse employment action rather than keeping those conditions under the accommodation framework as described above. Women ages 35-54 represent roughly 40% of all women participating in California's workforce, making this one of the largest demographic segments of the California labor marker according to Employment Development Department's 2025 Labor Market Report. Because employers are prohibited from asking employees to disclose any medical conditions, employers would effectively

have to assume that 40% of the workforce falls in this new protected category. That would make it difficult for employers to ever take any disciplinary action against an employee who falls in this group out of concern for litigation.

ASSEMBLY FLOOR: 61-9, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Dixon, Ellis, Hadwick, Johnson, Macedo, Patterson, Sanchez, Tangipa

NO VOTE RECORDED: Castillo, Flora, Gallagher, Jeff Gonzalez, Hoover, Lackey, Muratsuchi, Ramos, Celeste Rodriguez, Ta

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
8/24/26 12:14:04

**** END ****