GOVERNOR'S VETO
AB 1940 (Calderon)
As Enrolled September 2, 2026
2/3 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.

Senate Amendments:

1) Delete provisions related to the public awareness campaign.

2) Provide that "medical condition," as used in connection with the definition of "sex" in the Unruh Civil Rights Act and FEHA includes, but is not limited to, the conditions included in FEHA's definition of "medical condition."

3) Address chaptering out with AB 2563 (Pacheco), Chapter 952, Statutes of 2026.

Governor's Veto Message
This bill would amend the Fair Employment and Housing Act (FEHA) to include perimenopause, menopause, postmenopause, and related medical conditions within the definition of "sex".

I strongly support the author's goal of protecting women experiencing menopause and related conditions. For that reason, my budget proposal included improvements to prescription drug coverage for symptoms of menopause, required plans to screen enrollees a40 and older for menopause during primary care and OB/GYN appointments, and provided professional training incentives for physicians and other healthcare professionals who specialize in menopause care.

The characteristics this bill seeks to include in the definition of sex are already covered under FEHA to the extent that menopause-related symptoms rise to the level of a medical condition or disability. Under those circumstances, current state law requires employers to provide reasonable accommodations. The approach taken by this measure may have the unintended consequence of authorizing a FEHA lawsuit for all adverse employment decisions made against a very large segment of the working population. The ensuing litigation could result in substantial General Fund impacts and cost pressures without meaningfully addressing the needs of the people the bills intended to protect.

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

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

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 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 Senate Appropriations Committee,

[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.

Minor and absorbable costs annually to the Civil Rights Department (CRD). Because this bill primarily clarifies existing law rather than expanding it, CRD does not anticipate a significant increase in complaints upon implementation. (General Fund).

Estimated $610,000 in FY 2026-27, $580,000 ongoing to the Department of Industrial Relations for the investigation and enforcement of Equal Pay Act claims by the Labor Commissioner's Office. (Occupational Safety and Health Fund)

Annual costs of an unknown, but potentially significant amount, to the state as an employer to ensure compliance with expanded workplace protections for employees experiencing menopause. The magnitude of costs depends on the number of protected employees and the state's existing practices regarding such employees. (special funds, General Fund)

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

ASSEMBLY FLOOR: 61-9-10
YES: 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
NO: DeMaio, Dixon, Ellis, Hadwick, Johnson, Macedo, Patterson, Sanchez, Tangipa
ABS, ABST OR NV: Castillo, Flora, Gallagher, Jeff Gonzalez, Hoover, Lackey, Muratsuchi, Ramos, Celeste Rodriguez, Ta

SENATE FLOOR: 30-1-9
YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Valladares, Wahab, Wiener
NO: Ochoa Bogh
ABS, ABST OR NV: Caballero, Choi, Dahle, Grove, Jones, Niello, Seyarto, Strickland, Weber Pierson

ASSEMBLY FLOOR: 65-9-5
YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO: DeMaio, Dixon, Ellis, Hadwick, Johnson, Macedo, Patterson, Sanchez, Tangipa
ABS, ABST OR NV: Flora, Hoover, Lackey, McKinnor, Ta

UPDATED

VERSION: September 2, 2026

CONSULTANT: Megan Lane / L. & E. / (916) 319-2091 FN: 0004651