

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2563 (Pacheco) – As Amended April 9, 2026

Policy Committee: Judiciary

Vote: 9 - 3

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill creates a consistent definition of “sex discrimination” across several codes, thereby implementing recommendations of the California Law Revision Commission (CLRC).

Specifically, this bill:

- 1) Adds or amends 26 code sections to clarify that “sex,” as used in statutes prohibiting sex discrimination, includes pregnancy and related medical conditions, including childbirth, abortion, lactation, miscarriage, fertility, and contraception.
- 2) Provides that “sex discrimination” includes discrimination based on assigned sex or gender category (including female, male, or nonbinary), degree of conformity to sex or gender stereotypes, gender identity and expression, access to and use of gender-affirming care, pregnancy-related decision-making, sexual orientation, and variations in sex characteristics including intersex traits.
- 3) Adds a new Government Code section providing that any provision prohibiting sex or gender discrimination shall be interpreted as prohibiting sex discrimination as defined in the bill, and that in case of conflict, the bill’s broader definition prevails over narrower provisions.
- 4) Declares that the bill’s protections reflect existing constitutional protections including rights to safety, happiness, privacy, equal protection, and reproductive freedom, and directs courts to liberally construe the provisions to effectuate those purposes.
- 5) Adds a new Education Code section adopting the standard definition for higher education institutions.

**FISCAL EFFECT:**

Cost pressures (Trial Court Trust Fund) of an unknown but potentially significant amount to the courts to adjudicate any additional filings. By standardizing and broadening the definition of sex discrimination across all California codes — including codes where the current definition is narrower than FEHA — the bill may generate additional discrimination claims in contexts where certain characteristics were not previously expressly covered. Actual costs will depend on the number of additional cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides

annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

**COMMENTS:**

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

AB 2563 aligns the definition of sex discrimination across all of California's codes. The bill ensures that protections apply equally in every area of state law, reaffirming California's commitment to protecting women and girls, and all people who face discrimination based on sex, amid increasing uncertainty at the federal level.

2) **Background.** SCR 92 (Chapter 150, Statutes of 2022) directed the California Law Revision Commission to study whether California statutes comply with the principles of the federal Equal Rights Amendment. In September 2025, the CLRC completed its review and found that while California provides strong protections against sex discrimination — often exceeding federal law — the definitions of “sex” and “sex discrimination” are not consistent across the state's codes. FEHA, the Unruh Civil Rights Act, the Educational Equity Act, and the Sex Equity in Education Act all define these terms differently, having been amended in piecemeal fashion at different points in time. This bill synthesizes the varied existing definitions into a single standard definition and adds it to 26 new code sections, with a Government Code provision establishing that in case of conflict, the broader definition prevails. The Judiciary Committee's analysis notes that most of the characteristics included in the bill's definition — including gender identity, gender expression, and sexual orientation — are already expressly covered in existing anti-discrimination statutes; the bill's primary effect is harmonization rather than substantive expansion of existing law.

**Analysis Prepared by:** Shiran Zohar / APPR. / (916) 319-2081