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1 **HOUSE BILL NO. 1173**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend and reenact § 2.2-3909 of the Code of Virginia, relating to Virginia Human Rights Act;*
5 *reasonable accommodation for known limitations related to menopause; report.*

6 Patron—Tran

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 2.2-3909 of the Code of Virginia is amended and reenacted as follows:**10 **§ 2.2-3909. Causes of action for failure to provide reasonable accommodation for known limitations**
11 **related to pregnancy, childbirth, menopause, or related medical conditions.**

12 A. As used in this section:

13 "Employer" means any person, or agent of such person, employing five or more employees for each
14 working day in each of 20 or more calendar weeks in the current or preceding calendar year.

15 "Lactation" means lactation as defined in § 2.2-3905.

16 "Reasonable accommodation" ~~means~~ *includes means employment and workplace accommodations, including*
17 *more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other*
18 *than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or*
19 *modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance*
20 *with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover*
21 *from childbirth.*

22 "Related medical conditions" includes lactation.

23 B. No employer shall:

24 1. Refuse to make reasonable accommodation to the known limitations of a person related to pregnancy,
25 childbirth, *menopause*, or related medical conditions, unless the employer can demonstrate that the
26 accommodation would impose an undue hardship on the employer.27 a. In determining whether an accommodation would constitute an undue hardship on the employer, the
28 following shall be considered:29 (1) Hardship on the conduct of the employer's business, considering the nature of the employer's
30 operation, including composition and structure of the employer's workforce *and the financial resources of the*
31 *employer;*

32 (2) The size of the facility where employment occurs; and

33 (3) The *difficulty*, nature, and cost of the accommodations needed.34 b. The fact that the employer provides or would be required to provide a similar accommodation to other
35 classes of employees shall create a rebuttable presumption that the accommodation does not impose an undue
36 hardship on the employer.37 2. Take adverse action against an employee who requests or uses a reasonable accommodation pursuant to
38 this section. As used in this subdivision, "adverse action" includes failure to reinstate any such employee to
39 her previous position or an equivalent position with equivalent pay, seniority, and other benefits when her
40 need for a reasonable accommodation ceases.41 3. Deny employment or promotion opportunities to an otherwise qualified applicant or employee because
42 such employer will be required to make reasonable accommodation to the known limitations of such
43 applicant or employee related to pregnancy, childbirth, *menopause*, or related medical conditions.44 4. Require an employee to take leave if another reasonable accommodation can be provided to the known
45 limitations related to the pregnancy, childbirth, *menopause*, or related medical conditions of such employee.46 C. Each employer shall engage in a timely, good faith interactive process with an employee who has
47 requested an accommodation pursuant to this section to determine if the requested accommodation is
48 reasonable and, if such accommodation is determined not to be reasonable, discuss alternative
49 accommodations that may be provided.50 D. An employer shall post in a conspicuous location and include in any employee handbook information
51 concerning an employee's rights to reasonable accommodation for known limitations related to pregnancy,
52 childbirth, *menopause*, or related medical conditions. Such information shall also be directly provided to (i)
53 new employees upon commencement of their employment and (ii) any employee within 10 days of such
54 employee's providing notice to the employer that she is pregnant.55 E. An employee or applicant who has been denied any of the rights afforded under subsection B may
56 bring an action in a general district or circuit court having jurisdiction over the employer that allegedly denied

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59 such rights. Any such action shall be brought within two years from the date of the unlawful denial of rights,
60 or, if the employee or applicant has filed a complaint with the Office of Civil Rights of the Department of
61 Law or a local human rights or human relations agency or commission within two years of the unlawful
62 denial of rights, such action shall be brought within 90 days from the date that the Office or a local human
63 rights or human relations agency or commission has rendered a final disposition on the complaint.

64 If the court or jury finds that an unlawful denial of rights afforded under subsection B has occurred, the
65 court or jury may award to the plaintiff, as the prevailing party, compensatory damages, back pay, and other
66 equitable relief. The court may also award reasonable attorney fees and costs and may grant as relief any
67 permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining
68 the defendant from engaging in such practice, or order such affirmative action as may be appropriate.

69 F. The provisions of this section regarding the provision of reasonable accommodation for known
70 limitations related to pregnancy, childbirth, *menopause*, and related medical conditions shall not be construed
71 to affect any other provision of law relating to discrimination on the basis of sex or pregnancy.

72 **2. That the Commissioner of Labor and Industry, in consultation with the Commissioner of Health,**
73 **shall conduct a study on menopause in the workforce, menopause-related accommodations in**
74 **employment environments, and the scope of existing menopause-related policies, including health**
75 **insurance coverage and therapeutic treatments for menopause-related symptoms, access to health care**
76 **professionals for menopause-related matters, menopause awareness policies, health care spending**
77 **accounts that can be used for menopause-related benefits and services, and the use of temperature**
78 **controls and cooling rooms to improve menopause-related accommodations in employment**
79 **environments. In conducting such study, the Commissioners shall develop best practices for**
80 **menopause-related accommodations in employment environments. No later than July 1, 2028, the**
81 **Commissioners shall submit a report of their findings and recommendations to the Governor and the**
82 **General Assembly and shall publish such report on the Department of Labor and Industry's website.**