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HOUSE BILL 36

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Kathleen Gates

AN ACT

RELATING TO DISABILITIES; ENACTING THE ACCESSIBILITY ACT TO
IMPROVE THE ACCESSIBILITY OF STATE AGENCIES; CREATING THE
OFFICE OF ACCESSIBILITY TO IMPLEMENT AND ADMINISTER THE
ACCESSIBILITY ACT; CREATING REPORTING REQUIREMENTS FOR THE
OFFICE OF ACCESSIBILITY; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Accessibility Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Accessibility Act:

A. "accessible" or "accessibility" means enabling a
person with disabilities to participate fully and equally in a
facility, a product, a service, a website or an environment
through the removal of physical, sensory and cognitive

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1 barriers;

2 B. "department" means the department of health;

3 C. "disability" means a physical or mental
4 impairment that substantially limits one or more of a person's
5 major life activities. A person is also considered to have a
6 disability if the person has a record of a disability or is
7 regarded as having a physical or mental disability;

8 D. "office" means the office of accessibility; and

9 E. "state agency" means a department, an
10 institution, a board, a bureau, a commission, a district or a
11 committee of government of the state.

12 SECTION 3. [NEW MATERIAL] OFFICE OF ACCESSIBILITY--
13 CREATED.--

14 A. The "office of accessibility" is created within
15 the department.

16 B. The secretary of health shall appoint a chief
17 accessibility officer who shall oversee the office and
18 supervise its staff.

19 C. The chief accessibility officer may contract for
20 services to assist the office in conducting the duties of the
21 office and may use the services of volunteers.

22 D. The chief accessibility officer shall:

23 (1) create a standard form or process that
24 each state agency can use to identify challenges to
25 accessibility in the state agency's website, mobile application

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1 and physical facilities;

2 (2) provide information and training to state
3 agencies and state agency employees on best practices for
4 digital and physical accessibility, including procurement
5 procedures for information technology, equipment and physical
6 facilities and the implementation and maintenance of accessible
7 websites;

8 (3) assist state agencies in developing
9 website accessibility statements and plans to achieve physical
10 accessibility;

11 (4) support state agencies in the evaluation
12 of physical accessibility barriers; and

13 (5) promulgate rules necessary to implement
14 and administer the Accessibility Act.

15 SECTION 4. [NEW MATERIAL] REPORTING REQUIREMENTS.--

16 A. By May 1, 2028, and every May 1 thereafter, the
17 office shall submit a written report to the governor, the
18 interim legislative health and human services committee and the
19 general services department that documents the accessibility of
20 websites, mobile applications and physical facilities operated
21 by state agencies. The report shall include:

22 (1) assessments of the accessibility of each
23 state agency's facilities, websites and mobile applications;

24 (2) evaluations of the procedures that each
25 state agency has followed when procuring information technology

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1 services and equipment;

2 (3) when necessary, recommendations for ways
3 to improve the accessibility of each state agency facility,
4 website and mobile application;

5 (4) the actions taken to make facilities,
6 websites and mobile applications more accessible;

7 (5) the progress of addressing barriers to
8 accessibility; and

9 (6) planned corrective action measures.

10 B. The report shall be made available to the public
11 on the websites of the legislature, the governor's commission
12 on disability, the department, the New Mexico technology
13 assistance program and the department of information
14 technology.

15 C. To assist the office in developing the report
16 required by this section, each state agency shall submit to the
17 office an analysis of the accessibility of the agency's
18 facilities, websites and mobile applications at least one
19 hundred twenty days before the office is required to submit the
20 report. The analysis provided by each state agency shall:

21 (1) document the agency's efforts to ensure
22 accessible programs, services, facilities and communication;

23 (2) identify barriers to accessibility at the
24 agency;

25 (3) describe planned and completed

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1 accessibility initiatives; and

2 (4) identify resources needed for future
3 accessibility initiatives.

4 SECTION 5. APPROPRIATION.--Three hundred fifty thousand
5 dollars (\$350,000) is appropriated from the general fund to the
6 department of health for expenditure in fiscal years 2026 and
7 2027 to implement and administer the Accessibility Act. Any
8 unexpended balance remaining at the end of fiscal year 2027
9 shall revert to the general fund.

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