

1 AN ACT
2 RELATING TO DISABILITIES; ENACTING THE ACCESSIBILITY ACT TO
3 REQUIRE EACH STATE AGENCY'S WEBSITE, MOBILE APPLICATION AND
4 PHYSICAL FACILITIES TO COMPLY WITH DIGITAL AND PHYSICAL
5 ACCESSIBILITY STANDARDS; REQUIRING THE DEPARTMENT OF
6 INFORMATION TECHNOLOGY TO ADOPT DIGITAL ACCESSIBILITY
7 STANDARDS; CREATING THE OFFICE OF ACCESSIBILITY TO IMPLEMENT
8 AND ADMINISTER THE ACCESSIBILITY ACT; CREATING REPORTING
9 REQUIREMENTS FOR THE OFFICE OF ACCESSIBILITY.

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

12 SECTION 1. SHORT TITLE.--This act may be cited as the
13 "Accessibility Act".

14 SECTION 2. DEFINITIONS.--As used in the Accessibility
15 Act:

16 A. "commission" means the governor's commission on
17 disability;

18 B. "digital accessibility standards" means the
19 requirements set by the web content accessibility guidelines
20 2.1 level AA, or any successor standards, for web and mobile
21 accessibility adopted by the department of information
22 technology;

23 C. "disability" means a physical or mental
24 impairment that substantially limits one or more of a
25 person's major life activities. A person is also considered

1 to have a disability if the person has a record of a
2 disability or is regarded as having a physical or mental
3 disability;

4 D. "office" means the office of accessibility;

5 E. "physical accessibility standards" means the
6 standards for accessible design adopted by the United States
7 department of justice pursuant to the provisions of the
8 federal Americans with Disabilities Act of 1990, as amended,
9 including requirements for public buildings, pathways,
10 accommodations and facilities; and

11 F. "state agency" means a department, an
12 institution, a board, a bureau, a commission, a district or a
13 committee of government of the state.

14 **SECTION 3. STATE AGENCY ACCESSIBILITY REQUIREMENTS.--**

15 A. By April 1, 2026, each state agency website and
16 mobile application shall comply with the digital
17 accessibility standards.

18 B. After April 1, 2026, each state agency shall
19 conspicuously post a website accessibility statement, or a
20 link to a website accessibility statement, on the front page
21 of the state agency's website. The statement shall include:

22 (1) a written acknowledgment of the state
23 agency's commitment to accessibility for people with
24 disabilities;

25 (2) contact information that website

1 visitors can use to alert the state agency of accessibility
2 issues on the website;

3 (3) known accessibility limitations on the
4 website;

5 (4) measures taken by the state agency to
6 ensure accessibility;

7 (5) supported web browsers; and

8 (6) any other accessibility information that
9 the state agency determines to be noteworthy.

10 C. The department of information technology shall
11 promulgate rules to establish, adopt and update the digital
12 accessibility standards.

13 D. Each state agency shall comply with the
14 physical accessibility standards to ensure that each service,
15 program or activity conducted by the agency, when viewed in
16 its entirety, is readily accessible to, and usable by, people
17 with disabilities.

18 E. A state agency shall not be required to take
19 any action if the agency can demonstrate that the action
20 would result in:

21 (1) a fundamental alteration in the nature
22 of the services, programs or activities conducted by the
23 agency; or

24 (2) an undue financial or administrative
25 burden.

1 SECTION 4. OFFICE OF ACCESSIBILITY--CREATED.--

2 A. The "office of accessibility" is created within
3 the commission.

4 B. The commission shall appoint a chief
5 accessibility officer who shall oversee the office and
6 supervise its staff. The chief accessibility officer may
7 contract for services to assist the office in conducting the
8 duties of the office and may use the services of volunteers.

9 C. The chief accessibility officer shall:

10 (1) facilitate compliance with digital and
11 physical accessibility standards for each state agency by
12 working with and providing technical assistance to state
13 agencies to ensure that each state agency website, mobile
14 application and physical facility is in compliance with the
15 digital and physical accessibility standards;

16 (2) create a standard form or process that
17 each state agency can use to determine whether the state
18 agency's website, mobile application and physical facilities
19 are in compliance with the digital and physical accessibility
20 standards;

21 (3) provide information and training to
22 state agencies and employees on the digital and physical
23 accessibility standards, including procurement procedures for
24 information technology, equipment and physical facilities and
25 best practices for implementing and maintaining websites in

1 compliance with the digital accessibility standards;

2 (4) assist state agencies in developing
3 website accessibility statements and plans to achieve
4 physical accessibility;

5 (5) support state agencies in the evaluation
6 of physical accessibility barriers; and

7 (6) promulgate rules necessary to implement
8 and administer the Accessibility Act.

9 **SECTION 5. REPORTING REQUIREMENTS.--**

10 A. By July 1, 2027, and every two years
11 thereafter, the office shall submit a written report to the
12 governor, the interim legislative health and human services
13 committee and the legislative finance committee that
14 documents the compliance of websites, mobile applications and
15 physical facilities operated by state agencies. The report
16 shall include:

17 (1) assessments on each state agency
18 website's and mobile application's compliance with the
19 digital accessibility standards;

20 (2) evaluations of the procedures that each
21 state agency has followed when procuring information
22 technology services and equipment;

23 (3) when necessary, recommendations for ways
24 to improve the digital accessibility of each state agency
25 website and mobile application;

1 (4) the actions taken to make physical
2 facilities more physically accessible;

3 (5) the progress of addressing barriers to
4 digital and physical accessibility; and

5 (6) planned corrective action measures.

6 B. The report shall be made available to the
7 public on the websites of the legislature, the commission,
8 the New Mexico technology assistance program and the
9 department of information technology.

10 C. To assist the office in developing the report
11 required by this section, each state agency shall submit to
12 the office an analysis of the agency's compliance with
13 digital and physical accessibility standards at least one
14 hundred twenty days before the office is required to submit
15 the report. The analysis provided by state agencies shall:

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

18 (2) identify barriers to accessibility at
19 the agency;

20 (3) describe planned and completed
21 accessibility initiatives; and

22 (4) identify resources needed for future
23 accessibility initiatives.

24 **SECTION 6. EFFECTIVE DATE.--**

25 A. The effective date of the provisions of

Sections 1 through 3 and 5 of this act is July 1, 2025.

B. The effective date of the provisions of Section 4 of this act is July 1, 2026._____

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