

LFC Requestor: Allegra Hernandez

2026 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House
Number: 295S

Category: Bill
Type: Substitution

Date (of THIS analysis): February 9, 2026
Sponsor(s): Kathleen Cates, Tara L. Lujan
Short Title: ACCESSIBILITY ACT

Reviewing Agency: Agency 665 - Department of Health
Analysis Contact Person: Joshua Swatek
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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 26	FY 27		
\$175.0	\$175.0	Nonrecurring	General fund

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 26	FY 27	FY 28		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 26	FY 27	FY 28	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$381	\$381	\$762	Recurring	General fund

Chief Accessibility Officer: Pay Band 12 \$58.47 x 2080 x 1.36 = \$165,400
IT Project Manager: Pay Band 11 \$50.84 x 2080 x 1.36 = \$143,816
Business Operations Specialist: Pay Band 2 \$20.63 x 2080 x 1.36 = \$58,358
Yearly IT Enterprise Costs: \$4,600 x 3 FTE = \$13,800
Total Cost: \$381,374

Section III: Relationship to other legislation

Duplicates: HB36

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Health and Human Services Committee Substitute for House Bill 295 (HB295S) proposes to create an office of accessibility within the Department of Health with an appointed Chief Accessibility Officer who shall:

- Create a standard form or process to identify challenges to accessibility in each agency's website, mobile application, and physical facilities.
- Provide information and training to state agencies and employees on best practices for digital and physical accessibility; to include procurement procedures for information technology, equipment and physical facilities.
- Assist agencies with development of website accessibility statements and plans for physical access.
- Promulgate rules to implement the Accessibility Act.
- Report annually on assessments and evaluations of barriers, plans and progress to address those barriers.
- Require each state agency to produce an analysis documenting the agency's efforts to ensure accessibility and identify any barriers and resources needed.

Is this an amendment or substitution? Yes No

It is a committee substitute for the original bill, replicating HB36

Is there an emergency clause? Yes No

b) Significant Issues

Many people in New Mexico live with a disability, and among that population, some have difficulty participating in the workforce.

According to the New Mexico Department of Workforce Solutions State of the Workforce report in 2022, “As of 2020, there were approximately 326,097 persons in New Mexico who reported living with a disability. This represented 15.8 percent of New Mexico’s total population, a share that was 3.1 percentage points larger than the U.S. share of 12.7 percent.” The same report showed lower workforce participation among people with disabilities compared with those without: “In 2020, persons living in New Mexico who reported having a disability participated in the labor force at a rate of 39.5 percent, a rate nearly half that of persons without a disability (77.3 percent).” ([DWS report](#))

The work proposed in the bill could address barriers to working in state agencies for New Mexicans living with disabilities.

However, significant work is already underway to improve accessibility of state agencies. In 2024, the federal Department of Justice published a final rule on regulations implementing Title II of the Americans with Disabilities Act (ADA). States and other public entities must comply with requirements to make websites and mobile applications accessible by April 24, 2026 ([Federal Register :: Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities](#)). HB295S duplicates these requirements, and work on accessibility is well underway. The implementation of an oversight office which may want to modify work already in progress could introduce delays and impact the Department of Health and other agencies’ ability to meet the deadline.

The proposals in HB295S bill would also be duplicative of action taken in 2025, when the Governor directed agencies to conduct regular reviews of their facilities, website and apps to ensure accessibility. The Governor also directed agencies to review their ADA compliance and any corrective measures and submit a report by July of that year.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes No

The Department of Health is already making the changes necessary to meet federal requirements. The implementation of an oversight office that may modify the priorities of work already in progress could introduce delays and further impact the statewide ability to meet deadlines.

- Is this proposal related to the NMDOH Strategic Plan? Yes No

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?

Yes No N/A

- If there is an appropriation, is it included in the LFC Budget Request?

Yes No N/A

- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

HB295S would have a significant fiscal impact on NMDOH. At a minimum, the activities outlined in the bill would require NMDOH to employ three additional staff members to coordinate across agencies and fulfill the reporting requirements. This includes the required director, an IT project manager to provide technical assistance across state agencies, and a fiscal manager and business operations position.

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

The substitute duplicates HB36

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No

HB36 would require NMDOH to create rules

- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

HB295S primarily benefits individuals with disabilities, including those with visual, hearing, cognitive, and mobility impairments, by ensuring equal access to state agency digital and physical resources. However, its impact extends beyond the disability community to other vulnerable populations, including older adults, individuals with limited digital literacy, and people with language barriers.

9. HEALTH IMPACT(S)

HB295S would offer constituents with disabilities equitable access to the Department's services.

10. ALTERNATIVES

Compliance with the current Americans with Disabilities Act of 1990, as amended, including requirements for public buildings, pathways, accommodations and facilities.

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If HB295 is not approved, state agencies will continue to implement the requirements of WCAG 2.1AA and will continuously monitor new digital content to ensure it meets the requirements. NMDOH will continue to comply with all federal and state accessibility standards.

12. AMENDMENTS

None

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2026 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House
Number: 295

Category: Bill
Type: Introduced

Date (of THIS analysis): 2/4/2026
Sponsor(s): Kathleen Cates and Tara L. Lujan
Short Title: Accessibility Act

Reviewing Agency: Agency 665 - Department of Health
Analysis Contact Person: Joshua Swatek
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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 26	FY 27		
\$0	\$0	NA	NA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 26	FY 27	FY 28		
\$0	\$0	\$0	NA	NA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 26	FY 27	FY 28	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
NO FISCAL IMPACT						

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: HB36

Duplicates/Relates to an Appropriation in the General Appropriation Act:

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 295 proposes several changes to law designed to increase access to state websites, digital platforms, and physical facilities. HB 295 requires each state agency to update digital assets to meet all digital accessibility standards, requires the Department of Information Technology to adopt accessibility standards, requires state agencies to comply with all physical accessibility standards for people with disabilities, creates an Office of Accessibility within the Governor's Commission on Disability and hires a Chief Accessibility Officer, who will be required to:

- Provide technical assistance to state agencies to comply with digital and physical standards
- Create standard forms and processes for all state agencies to determine if they are following both digital and physical standards
- Provide training to state agencies and employees on digital and physical accessibility standards
- Assist state agencies in developing accessibility statements for websites and creation of plans to achieve physical accessibility standards
- Provide state agencies support for evaluation of progress towards achieving physical and digital accessibility standards

HB 295 also requires the Office of Accessibility to submit a written report to the Governor, Legislative Health and Human Services Committee, and the Legislative Finance Committee which documents compliance with both digital and physical accessibility standards. Further, HB 295 requires each state agency to submit a report to the Office of Accessibility at least 120 days before the report is due, which outlines efforts, barriers, descriptions of both planned and completed accessibility initiatives, and identification of resources needed for future initiatives.

Is there an emergency clause? Yes No

b) Significant Issues

Many people in New Mexico live with a disability, and among that population, some have difficulty participating in the workforce.

According to the New Mexico Department of Workforce Solutions State of the Workforce report in 2025, “As of 2023, there were approximately 346,122 persons in New Mexico who reported living with a disability. This represented 16.7 percent of New Mexico’s total population, a share that was 3.7 percentage points greater than the U.S. share of 11.9 percent.” The same report showed lower workforce participation among people with disabilities compared with those without: “In 2023, persons living in New Mexico who reported having a disability participated in the labor force at a rate of 43.8 percent, a rate more than half that of New Mexicans without a disability (77.8 percent).” (dws.state.nm.us/Portals/0/DM/LMI/State_of_the_Workforce_2025.pdf)

However, significant work is already ongoing to improve accessibility of state agencies. In 2024, the federal Department of Justice published a final rule on regulations implementing Title II of the Americans with Disabilities Act (ADA). States and other public entities must comply with requirements to make websites and mobile applications accessible by April 24, 2026 ([Federal Register :: Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities](#)). HB295 duplicates these requirements, and work on accessibility is well underway. The implementation of an oversight office which may want to modify work already in progress could introduce delays and impact the ability of NMDOH to meet the deadline outlined in federal law.

The proposals in this bill would also be duplicative of action taken in 2025, when the Governor directed agencies to conduct regular reviews of their facilities, website and apps to ensure accessibility. The Governor also directed agencies to review their ADA compliance and any corrective measures and submit a report by July of that year. NMDOH completed and submitted this review in June 2025.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No

The Department of Health is already underway with making the changes necessary to meet WCAG 2.1AA. The implementation of an oversight office who may potentially want to modify the priorities of work already in progress could introduce delays and further impact the Department’s ability to meet the deadline.

- Is this proposal related to the NMDOH Strategic Plan? Yes No

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A

- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

NMDOH will be required to coordinate with the Office of Accessibility for audits and training. IT and facilities teams would be required to work to remediate accessibility barriers. Annual accessibility reporting may require administrative tracking and compliance verification.

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

This bill is related to HB36 which create a similar office within the New Mexico Department of Health.

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

HB295 primarily benefits individuals with disabilities, including those with visual, hearing, cognitive, and mobility impairments, by ensuring equal access to state agency digital and physical resources. However, its impact extends beyond the disability community to other vulnerable populations, including older adults, individuals with limited digital literacy, and people with language barriers.

9. HEALTH IMPACT(S)

HB295 would offer constituents with disabilities equitable access to the Department's services.

10. ALTERNATIVES

Compliance with the current Americans with Disabilities Act of 1990, as amended, including requirements for public buildings, pathways, accommodations and facilities

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If HB295 is not approved, the Department of Health will continue to implement the requirements of WCAG 2.1AA and will continuously monitor new digital content to ensure it

meets the requirements. NMDOH will continue to comply with all federal and state accessibility standards.

12. AMENDMENTS

None