

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 120

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO DISABILITIES; ENACTING THE ACCESSIBILITY ACT TO REQUIRE EACH STATE AGENCY'S WEBSITE, MOBILE APPLICATION AND PHYSICAL FACILITIES TO COMPLY WITH DIGITAL AND PHYSICAL ACCESSIBILITY STANDARDS; REQUIRING THE DEPARTMENT OF INFORMATION TECHNOLOGY TO ADOPT DIGITAL ACCESSIBILITY STANDARDS; CREATING THE OFFICE OF ACCESSIBILITY TO IMPLEMENT AND ADMINISTER THE ACCESSIBILITY ACT; CREATING REPORTING REQUIREMENTS FOR THE OFFICE OF ACCESSIBILITY.

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. "commission" means the governor's commission on

1 disability;

2 B. "digital accessibility standards" means the  
3 requirements set by the web content accessibility guidelines  
4 2.1 level AA, or any successor standards, for web and mobile  
5 accessibility adopted by the department of information  
6 technology;

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

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

13 E. "physical accessibility standards" means the  
14 standards for accessible design adopted by the United States  
15 department of justice pursuant to the provisions of the federal  
16 Americans with Disabilities Act of 1990, as amended, including  
17 requirements for public buildings, pathways, accommodations and  
18 facilities; and

19 F. "state agency" means a department, an  
20 institution, a board, a bureau, a commission, a district or a  
21 committee of government of the state.

22 SECTION 3. [NEW MATERIAL] STATE AGENCY ACCESSIBILITY  
23 REQUIREMENTS.--

24 A. By April 1, 2026, each state agency website and  
25 mobile application shall comply with the digital accessibility

.230945.6

1 standards.

2 B. After April 1, 2026, each state agency shall  
3 conspicuously post a website accessibility statement, or a link  
4 to a website accessibility statement, on the front page of the  
5 state agency's website. The statement shall include:

6 (1) a written acknowledgment of the state  
7 agency's commitment to accessibility for people with  
8 disabilities;

9 (2) contact information that website visitors  
10 can use to alert the state agency of accessibility issues on  
11 the website;

12 (3) known accessibility limitations on the  
13 website;

14 (4) measures taken by the state agency to  
15 ensure accessibility;

16 (5) supported web browsers; and

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

19 C. The department of information technology shall  
20 promulgate rules to establish, adopt and update the digital  
21 accessibility standards.

22 D. Each state agency shall comply with the physical  
23 accessibility standards to ensure that each service, program or  
24 activity conducted by the agency, when viewed in its entirety,  
25 is readily accessible to, and usable by, people with

.230945.6

1 disabilities.

2 E. A state agency shall not be required to take any  
3 action if the agency can demonstrate that the action would  
4 result in:

5 (1) a fundamental alteration in the nature of  
6 the services, programs or activities conducted by the agency;  
7 or

8 (2) an undue financial or administrative  
9 burden.

10 SECTION 4. [NEW MATERIAL] OFFICE OF ACCESSIBILITY--  
11 CREATED.--

12 A. The "office of accessibility" is created within  
13 the commission.

14 B. The commission shall appoint a chief  
15 accessibility officer who shall oversee the office and  
16 supervise its staff. The chief accessibility officer may  
17 contract for services to assist the office in conducting the  
18 duties of the office and may use the services of volunteers.

19 C. The chief accessibility officer shall:

20 (1) facilitate compliance with digital and  
21 physical accessibility standards for each state agency by  
22 working with and providing technical assistance to state  
23 agencies to ensure that each state agency website, mobile  
24 application and physical facility is in compliance with the  
25 digital and physical accessibility standards;

.230945.6

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

6 (3) provide information and training to state  
7 agencies and employees on the digital and physical  
8 accessibility standards, including procurement procedures for  
9 information technology, equipment and physical facilities and  
10 best practices for implementing and maintaining websites in  
11 compliance with the digital accessibility standards;

12 (4) assist state agencies in developing  
13 website accessibility statements and plans to achieve physical  
14 accessibility;

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

17 (6) promulgate rules necessary to implement  
18 and administer the Accessibility Act.

19 SECTION 5. [NEW MATERIAL] REPORTING REQUIREMENTS.--

20 A. By July 1, 2027, and every two years thereafter,  
21 the office shall submit a written report to the governor, the  
22 interim legislative health and human services committee and the  
23 legislative finance committee that documents the compliance of  
24 websites, mobile applications and physical facilities operated  
25 by state agencies. The report shall include:

.230945.6

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

4 (2) evaluations of the procedures that each  
5 state agency has followed when procuring information technology  
6 services and equipment;

7 (3) when necessary, recommendations for ways  
8 to improve the digital accessibility of each state agency  
9 website and mobile application;

10 (4) the actions taken to make physical  
11 facilities more physically accessible;

12 (5) the progress of addressing barriers to  
13 digital and physical accessibility; and

14 (6) planned corrective action measures.

15 B. The report shall be made available to the public  
16 on the websites of the legislature, the commission, the New  
17 Mexico technology assistance program and the department of  
18 information technology.

19 C. To assist the office in developing the report  
20 required by this section, each state agency shall submit to the  
21 office an analysis of the agency's compliance with digital and  
22 physical accessibility standards at least one hundred twenty  
23 days before the office is required to submit the report. The  
24 analysis provided by state agencies shall:

25 (1) document the agency's efforts to ensure

1 accessible programs, services, facilities and communication;

2 (2) identify barriers to accessibility at the  
3 agency;

4 (3) describe planned and completed  
5 accessibility initiatives; and

6 (4) identify resources needed for future  
7 accessibility initiatives.

8 SECTION 6. EFFECTIVE DATE.--

9 A. The effective date of the provisions of Sections  
10 1 through 3 and 5 of this act is July 1, 2025.

11 B. The effective date of the provisions of Section  
12 4 of this act is July 1, 2026.

13 - 7 -  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

underscoring material = new  
~~[bracketed material] = delete~~