

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS**

**Section I: General**

**Chamber:** House

**Category:** Bill

**Number:** 120

**Type:** Introduced

**Date (of THIS analysis):** 1/30/2025

**Sponsor(s):** Tara L. Lujan and Kathleen Cates

**Short Title:** Accessibility Act

**Reviewing Agency:** Agency 665 - Department of Health

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**Section II: Fiscal Impact**

**APPROPRIATION (dollars in thousands)**

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$	\$200.00	Nonrecurring	General Fund

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
<b>Total</b>	\$167	\$500	\$0	\$667	Nonrecurring	General Fund

	Hourly	Annual	Tax	Total
Personnel				
Contractor (SWPA 30-00000-23-00080AE)	\$81.93	\$170,414.40	\$13,002.62	\$183,417.02
Contractor (SWPA 30-00000-23-00080AE)	\$81.93	\$170,414.40	\$13,002.62	\$183,417.02
O365 Advanced License x 2				\$90.00
TOTAL				\$366,924.04
Contract amendments for hosted websites / apps				
Average cost per hosted app / site to become compliant		\$5,000.00		
TOTAL for 60 hosted sites / apps				\$300,000.00
Grand Total				\$666,924.04

### **Section III: Relationship to other legislation**

Duplicates: None.

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 Bill 120 (HB120) proposes to enact the Accessibility Act to require each state agency's website, mobile application and physical facilities to comply with digital and physical accessibility standards; creates the Office of Accessibility to implement and administer the Accessibility Act and creates reporting requirements for the Office of Accessibility.

This bill establishes the Office of Accessibility to provide guidance, processes, and training in best practices for implementing and maintaining compliance with accessibility, both physical and digital, in state buildings and programs.

This bill is intended to address both physical and digital accessibility issues for individuals wanting and/or needing to access state buildings and programs.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

HB120 addresses current accessibility gaps in government websites, mobile applications, and facilities that could create obstacles for people with disabilities.

It is worth noting, on April 24, 2024, the United States Department of Justice issued its final rule revising the regulation implementing Title II of the ADA regarding web and mobile application accessibility, which states must comply with by April 24, 2026. In response to these federal actions, the Governor directed all state agencies to conduct a comprehensive review of all buildings and facilities to ensure full compliance with ADA's accessibility standards. Agencies are also reviewing the new ADA final rule regarding government website accessibility and mobile application to ensure compliance with the rule and to address any gaps identified. Corrective actions should result from any gaps in compliance discovered.

HB120 appears to mirror many of these federal requirements. It is anticipated that corrective actions will be costly in some circumstances and adequate funding will be required to fully execute all corrective actions.

HB120 would improve access to NMDOH services for community members, particularly online public health resources. HB120 would make NMDOH systems easier for healthcare providers to access for medical reporting and professional licensing. Community Health Workers/Reps & Disability Advocates would experience enhanced support for clients requiring accessibility services.

HB0120 aligns with NMDOH's language access goals by requiring state agencies to ensure digital accessibility. NMDOH may need translated accessibility statements and additional multilingual resources to ensure compliance with the Language Access Plan.

Many states have adopted WCAG 2.1 Level AA standards, including California and New York. Some states have similar accessibility offices overseeing compliance and enforcement.

HB120 would ensure accessibility requirements are met for any individual with a disability, as defined in the bill. This includes digital media and physical buildings/facility state sites.

HB120 would impact all state agencies. The bill provides for compensatory damages to disabled individuals under civil action.

## 2. PERFORMANCE IMPLICATIONS

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

Most of the NMDOH websites and applications meet some, but not all the requirements of the WCAG 21. Level AA compliance requirements and will require significant time and effort to meet this level of compliance.

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

**Goal 1:** We expand equitable access to services for all New Mexicans

**Goal 2:** We ensure safety in New Mexico healthcare environments

**Goal 3:** We improve health status for all New Mexicans

**Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

### 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

Personnel	Hourly	Annual	Tax	Total
Contractor (SWPA 30-00000-23-00080AE)	\$81.93	\$170,414.40	\$13,002.62	\$183,417.02
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### 4. ADMINISTRATIVE IMPLICATIONS

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

NMDOH must coordinate with the Office of Accessibility for audits and training. IT and facilities teams must work to remediate accessibility barriers. This will require the management and supervision of two contractors to perform the work and amendments to

contracts for enhancements to hosted websites and applications. Annual accessibility reporting may require administrative tracking and compliance verification.

## **5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP**

None.

## **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**

HB0120 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.

- Many state websites and mobile applications are not fully compliant with digital accessibility standards, creating barriers to healthcare services, health information, and essential public programs. This bill ensures that digital content is compatible with screen readers, voice recognition software, and other assistive technologies, reducing disparities in access to health services.
- As older adults experience age-related vision loss, hearing impairments, and mobility challenges, accessible online platforms and physical locations will allow them to more easily access public health information and navigate state services without assistance.
- Many, especially low-income and rural residents have limited access to technology training. This bill ensures that state agency platforms are designed with clear navigation, simplified language, and user-friendly accessibility features, making it easier for individuals unfamiliar with technology to access essential health resources.
- Language Access & Multilingual Accessibility: HB0120 requires agencies to provide digital and physical accessibility, but language access considerations should be explicitly incorporated. This means:
  - State agency websites should support multilingual content and accessibility tools, such as screen readers that work in Spanish, Diné Bizaad (Navajo), Zuni, and Vietnamese, aligning with NMDOH's language access priorities.
  - Physical accessibility improvements should include multilingual signage and alternative formats, such as braille and ASL-compatible video content.

- Call centers and online help desks should offer language interpretation services to ensure accessibility for non-English-speaking residents with disabilities.

## **9. HEALTH IMPACT(S)**

The bill's public health impact is significant, particularly for vulnerable populations who face challenges in accessing healthcare services, emergency information, and wellness programs due to accessibility barriers.

- NMDOH provides critical updates on infectious diseases, vaccination clinics, and emergency health alerts. By requiring digital accessibility compliance, HB0120 ensures that individuals with disabilities, seniors, and those with limited digital literacy receive timely and accurate health information.
- Accessible websites and mobile applications allow people to:
  - Schedule medical appointments online without needing assistance.
  - Access Medicaid and other public health benefits without physical barriers.
  - Receive public health education, such as information about chronic disease prevention, maternal health, and behavioral health services.
- Many rural residents depend on telehealth services to access medical care. By ensuring digital accessibility, the bill removes technological barriers for individuals with disabilities, older adults, and those with limited internet proficiency, allowing them to engage with healthcare providers remotely.
- During public health emergencies (such as COVID-19, West Nile Virus, or Avian Flu outbreaks), ensuring that health warnings, prevention measures, and response plans are accessible in multiple formats and languages is crucial.
- Barriers to information on flu shots, COVID-19 boosters, and other preventive health measures often result in lower vaccination rates among people with disabilities. Accessible health information encourages informed decision-making and promotes preventive care.
- By requiring state agencies to address both digital and physical accessibility barriers, HB0120 enhances equitable access to healthcare information and services, ultimately improving health outcomes across diverse populations.

## **10. ALTERNATIVES**

Governor's Executive Order

Voluntarily follow 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 HB0120 is not enacted, individuals with disabilities will continue to face barriers in accessing critical healthcare information, limiting their ability to engage with NMDOH services and public health resources. The lack of compliance with digital and physical accessibility standards could also expose the state to legal challenges, as non-compliance with federal and state accessibility laws may result in lawsuits or enforcement actions. Additionally, the absence of mandated accessibility improvements would contribute to ongoing inequities in NMDOH's digital and physical service delivery, disproportionately affecting vulnerable populations and hindering efforts to promote health equity across New Mexico.

## **12. AMENDMENTS**

Include a provision requiring multilingual accessibility statements and information on assistive technologies for non-English speakers.