

CF 7r2470

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**By: Delegates Morgan, Benson, Bobo, Clagett, Malone, Snodgrass, Stup, Poole, Kagan, and Perry**

Introduced and read first time: February 5, 1997

Assigned to: Commerce and Government Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Blind or Visually Impaired Individuals - Information Technology - Access**

3 FOR the purpose of establishing the General Assembly's findings on access to  
4 information technology by blind and visually impaired individuals; requiring certain  
5 heads of State entities and State-assisted organizations to ensure that certain blind  
6 and visually impaired individuals be able to access and use certain information  
7 technology; requiring certain entities and organizations to comply with certain  
8 provisions that relate to information technology for blind or visually impaired  
9 individuals; establishing a Blind or Visually Impaired Individuals' Technology  
10 Access Board; specifying the duties of the Board; requiring the Board and the  
11 Secretary of Budget and Management to develop a technology access clause for  
12 certain contracts and agreements; requiring any contract or agreement entered into  
13 by the State or State-assisted organizations for purchase of information technology  
14 to contain a technology access clause with certain provisions that relate to blind or  
15 visually impaired individuals; defining certain terms; and generally relating to access  
16 to information technology by blind and visually impaired individuals.

17 BY adding to

18 Article 30 - Deaf, Mute or Blind  
19 Section 34 through 39, inclusive, to be under the new subheading "Information  
20 Technology Access for Blind or Visually Impaired Individuals"  
21 Annotated Code of Maryland  
22 (1993 Replacement Volume and 1996 Supplement)

23 BY adding to

24 Article - State Finance and Procurement  
25 Section 3-1001 through 3-1003, inclusive, to be under the new subtitle "Subtitle 10.  
26 Information Technology Access for Blind or Visually Impaired Individuals"  
27 Annotated Code of Maryland  
28 (1995 Replacement Volume and 1996 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

30 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article 30 - Deaf, Mute or Blind**

2 INFORMATION TECHNOLOGY ACCESS FOR BLIND OR VISUALLY IMPAIRED  
3 INDIVIDUALS

4 34.

5 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (B) "BLIND OR VISUALLY IMPAIRED INDIVIDUAL" MEANS AN INDIVIDUAL  
8 WHO:

9 (1) HAS A VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH  
10 CORRECTING LENSES OR HAS A LIMITED FIELD OF VISION SO THAT THE WIDEST  
11 DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20  
12 DEGREES;

13 (2) HAS A MEDICALLY INDICATED EXPECTATION OF VISUAL  
14 DETERIORATION; OR

15 (3) HAS A MEDICALLY DIAGNOSED LIMITATION IN VISUAL  
16 FUNCTIONING THAT RESTRICTS THE INDIVIDUAL'S ABILITY TO READ AND WRITE  
17 STANDARD PRINT AT LEVELS EXPECTED OF INDIVIDUALS OF COMPARABLE  
18 ABILITY.

19 (C) "INFORMATION TECHNOLOGY" MEANS ALL ELECTRONIC INFORMATION  
20 PROCESSING HARDWARE AND SOFTWARE, INCLUDING TELECOMMUNICATIONS.

21 (D) "STATE" MEANS THE STATE OR ANY OF ITS DEPARTMENTS, AGENCIES,  
22 PUBLIC BODIES, OR OTHER INSTRUMENTALITIES.

23 (E) "STATE-ASSISTED ORGANIZATION" MEANS A COLLEGE, NONPROFIT  
24 ORGANIZATION, PERSON, POLITICAL SUBDIVISION, SCHOOL SYSTEM, OR OTHER  
25 ENTITY SUPPORTED IN WHOLE OR IN PART BY STATE FUNDS.

26 (F) "TELECOMMUNICATIONS" MEANS THE TRANSMISSION OF INFORMATION,  
27 IMAGES, PICTURES, VOICE OR DATA BY RADIO, VIDEO OR OTHER ELECTRONIC OR  
28 IMPULSE MEANS.

29 (G) "WORK STATION" MEANS THE AREA, PLACE, OR ROOM WHERE  
30 INFORMATION TECHNOLOGY IS ACCESSED AND USED BY AN INDIVIDUAL.

31 35.

32 (A) THE GENERAL ASSEMBLY OF MARYLAND FINDS AND DECLARES THE  
33 FACTS AND POLICIES SET FORTH IN THIS SECTION.

34 (B) THE ADVENT OF THE INFORMATION AGE THROUGHOUT THE UNITED  
35 STATES AND AROUND THE WORLD HAS RESULTED IN LASTING CHANGES IN  
36 INFORMATION TECHNOLOGY.

37 (C) THE USE OF INTERACTIVE VISUAL DISPLAY TERMINALS BY THE STATE  
38 AND STATE-ASSISTED ORGANIZATIONS IS BECOMING A WIDESPREAD MEANS FOR

3

1 INDIVIDUALS TO ACCESS ELECTRONIC INFORMATION, BUT ACCESS BY NONVISUAL  
2 MEANS, WHETHER BY SPEECH, BRAILLE, OR OTHER MEANS, HAS BEEN  
3 OVERLOOKED IN OBTAINING AND DEPLOYING THE LATEST INFORMATION  
4 TECHNOLOGY.

5 (D) THE PRESENTATION OF ELECTRONIC INFORMATION IN A FORMAT THAT  
6 MAY ONLY BE ACCESSED BY VISUAL MEANS PREVENTS ACCESS BY BLIND OR  
7 VISUALLY IMPAIRED INDIVIDUALS, BARRING BLIND OR VISUALLY IMPAIRED  
8 INDIVIDUALS FROM PARTICIPATING EQUALLY IN CRUCIAL AREAS OF LIFE, SUCH AS  
9 EDUCATION AND EMPLOYMENT.

10 (E) INFORMATION TECHNOLOGY HAS BEEN CREATED FOR THE ACCESS OF  
11 ELECTRONIC INFORMATION BY BOTH VISUAL AND NONVISUAL MEANS.

12 (F) THE GOALS OF THE STATE IN OBTAINING AND DEPLOYING THE MOST  
13 ADVANCED FORMS OF INFORMATION TECHNOLOGY INCLUDE UNIVERSAL ACCESS  
14 TO THE INFORMATION SO THAT BLIND INDIVIDUALS WILL NOT BE LEFT OUT OF THE  
15 INFORMATION AGE.

16 (G) IT IS THE POLICY OF THE STATE THAT:

17 (1) BLIND OR VISUALLY IMPAIRED INDIVIDUALS HAVE THE RIGHT TO  
18 FULL ACCESS AND USE OF INFORMATION TECHNOLOGY THAT IS PROVIDED BY  
19 EACH STATE UNIT OR STATE-ASSISTED ORGANIZATION FOR USE BY EMPLOYEES,  
20 PROGRAM PARTICIPANTS, INCLUDING STUDENTS, OR THE PUBLIC; AND

21 (2) BLIND OR VISUALLY IMPAIRED INDIVIDUALS SHALL BE ABLE TO  
22 ACCESS AND USE INFORMATION TECHNOLOGY OBTAINED BY A STATE UNIT OR  
23 STATE-ASSISTED ORGANIZATION FOR USE BY EMPLOYEES, PROGRAM  
24 PARTICIPANTS, INCLUDING STUDENTS, OR THE PUBLIC.

25 36.

26 (A) THE HEAD OF EACH STATE DEPARTMENT, AGENCY, PUBLIC BODY, OR  
27 OTHER INSTRUMENTALITY OR STATE-ASSISTED ORGANIZATION SHALL ENSURE  
28 THAT INFORMATION TECHNOLOGY USED BY BLIND OR VISUALLY IMPAIRED  
29 EMPLOYEES OR PROGRAM PARTICIPANTS, INCLUDING STUDENTS, SHALL:

30 (1) PROVIDE BLIND OR VISUALLY IMPAIRED INDIVIDUALS WITH  
31 EFFECTIVE ACCESS TO AND USE OF THE INFORMATION TECHNOLOGY, INCLUDING  
32 INTERACTIVE CONTROL OF THE INFORMATION TECHNOLOGY;

33 (2) BE COMPATIBLE WITH INFORMATION TECHNOLOGY USED BY  
34 OTHER INDIVIDUALS WITH WHOM THE BLIND OR VISUALLY IMPAIRED INDIVIDUAL  
35 MUST INTERACT; AND

36 (3) BE INTEGRATED INTO THE NETWORK OR NETWORKS USED TO  
37 SHARE COMMUNICATIONS AMONG EMPLOYEES OR PROGRAM PARTICIPANTS.

38 (B) NOTHING IN THIS SECTION REQUIRES THE INSTALLATION OF  
39 INFORMATION TECHNOLOGY ALLOWING NONVISUAL ACCESS AT A WORK STATION  
40 DURING ANY PERIOD OF TIME IN WHICH AN EMPLOYEE OR PROGRAM PARTICIPANT

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1 OF THE STATE OR STATE-ASSISTED ORGANIZATION PRIMARILY USING THE WORK  
2 STATION DOES NOT REQUIRE NONVISUAL ACCESS.

3 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS  
4 SECTION, THE APPLICATIONS PROGRAMS AND UNDERLYING OPERATING SYSTEMS,  
5 INCLUDING THE FORMAT OF THE DATA, USED FOR THE MANIPULATION AND  
6 PRESENTATION OF INFORMATION SHALL PERMIT THE INSTALLATION AND  
7 EFFECTIVE USE OF INFORMATION TECHNOLOGY ALLOWING NONVISUAL ACCESS.

8 37.

9 THE HEAD OF EACH STATE DEPARTMENT, AGENCY, PUBLIC BODY, OR OTHER  
10 INSTRUMENTALITY OR STATE-ASSISTED ORGANIZATION SHALL ENSURE THAT  
11 INFORMATION TECHNOLOGY USED IN THE DISSEMINATION OF ELECTRONIC  
12 INFORMATION TO THE PUBLIC SHALL PROVIDE BLIND OR VISUALLY IMPAIRED  
13 INDIVIDUALS WITH ACCESS TO AND USE OF THE INFORMATION TECHNOLOGY,  
14 INCLUDING THE INTERACTIVE USE OF THE INFORMATION TECHNOLOGY, THAT IS  
15 EQUAL TO THE ACCESS AND USE PROVIDED TO INDIVIDUALS WHO ARE NOT BLIND  
16 OR VISUALLY IMPAIRED.

17 38.

18 (A) IF ANY INFORMATION TECHNOLOGY OF THE STATE OR A  
19 STATE-ASSISTED ORGANIZATION WAS OBTAINED BY THE STATE OR  
20 STATE-ASSISTED ORGANIZATION PRIOR TO OCTOBER 1, 1997, COMPLIANCE WITH §§  
21 36 AND 37 OF THIS SUBHEADING RELATED TO THE INFORMATION TECHNOLOGY  
22 SHALL BE ACHIEVED AT THE TIME OF AN UPGRADE TO OR A REPLACEMENT OF THE  
23 INFORMATION TECHNOLOGY.

24 (B) ANY CONTRACT OR AGREEMENT ENTERED INTO BY THE STATE OR A  
25 STATE-ASSISTED ORGANIZATION FOR THE PURCHASE OF INFORMATION  
26 TECHNOLOGY SHALL COMPLY WITH THE PROVISIONS UNDER TITLE 3, SUBTITLE 10,  
27 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

28 39.

29 (A) AN INDIVIDUAL AGGRIEVED BY A VIOLATION OF THIS SUBHEADING MAY  
30 MAINTAIN A CIVIL ACTION FOR INJUNCTIVE RELIEF TO ENFORCE THE TERMS OF  
31 THIS SUBHEADING.

32 (B) (1) AN ACTION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE  
33 COMMENCED WITHIN 4 YEARS AFTER THE ACTION ACCRUES.

34 (2) AN ACTION FOR A CONTINUING VIOLATION ACCRUES AT THE TIME  
35 OF THE LATEST VIOLATION.

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1 **Article - State Finance and Procurement**

2 SUBTITLE 10. INFORMATION TECHNOLOGY ACCESS FOR BLIND OR VISUALLY  
3 IMPAIRED INDIVIDUALS.

4 3-1001.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (B) "BLIND OR VISUALLY IMPAIRED INDIVIDUAL" MEANS AN INDIVIDUAL  
8 WHO:

9 (1) HAS A VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH  
10 CORRECTING LENSES OR HAS A LIMITED FIELD OF VISION SO THAT THE WIDEST  
11 DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20  
12 DEGREES;

13 (2) HAS A MEDICALLY INDICATED EXPECTATION OF VISUAL  
14 DETERIORATION; OR

15 (3) HAS A MEDICALLY DIAGNOSED LIMITATION IN VISUAL  
16 FUNCTIONING THAT RESTRICTS THE INDIVIDUAL'S ABILITY TO READ AND WRITE  
17 STANDARD PRINT AT LEVELS EXPECTED OF INDIVIDUALS OF COMPARABLE  
18 ABILITY.

19 (C) "BOARD" MEANS THE BLIND OR VISUALLY IMPAIRED INDIVIDUALS'  
20 TECHNOLOGY ACCESS BOARD.

21 (D) "CLAUSE" MEANS THE TECHNOLOGY ACCESS CLAUSE.

22 (E) "STATE" MEANS THE STATE OR ANY OF ITS DEPARTMENTS, AGENCIES,  
23 PUBLIC BODIES, OR OTHER INSTRUMENTALITIES.

24 (F) "STATE-ASSISTED ORGANIZATION" MEANS A COLLEGE, NONPROFIT  
25 ORGANIZATION, PERSON, POLITICAL SUBDIVISION, SCHOOL SYSTEM, OR OTHER  
26 ENTITY SUPPORTED IN WHOLE OR IN PART BY STATE FUNDS.

27 3-1002.

28 (A) THERE IS A BLIND OR VISUALLY IMPAIRED INDIVIDUALS' TECHNOLOGY  
29 ACCESS BOARD.

30 (1) THE BOARD CONSISTS OF THE FOLLOWING 11 MEMBERS:

31 (I) THE FOLLOWING OFFICIALS OR THEIR DESIGNEES:

32 1. THE SECRETARY OF EDUCATION;

33 2. THE SECRETARY OF LABOR, LICENSING, AND  
34 REGULATION;

35 3. THE SECRETARY OF BUDGET AND MANAGEMENT;

36 4. THE SECRETARY OF GENERAL SERVICES; AND

6

1                                   5. THE CHIEF OF INFORMATION TECHNOLOGY; AND

2                                   (II) SIX INDIVIDUALS APPOINTED BY THE GOVERNOR FROM THE  
3 PUBLIC, AT LEAST FOUR OF WHOM SHALL BE BLIND OR VISUALLY IMPAIRED.

4                                   (2) (I) A CHAIRMAN OF THE BOARD, WHO SHALL BE BLIND OR  
5 VISUALLY IMPAIRED, SHALL BE ELECTED FROM THE BOARD, BY A MAJORITY OF  
6 THE BOARD.

7                                   (II) A VICE CHAIRMAN SHALL BE ELECTED FROM THE BOARD BY A  
8 MAJORITY OF THE BOARD.

9                                   (3) EXCEPT FOR EX OFFICIO MEMBERS OR THEIR DESIGNEES:

10                                  (I) THE TERM OF A MEMBER IS 3 YEARS;

11                                  (II) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY  
12 THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 1997;

13                                  (III) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE  
14 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES; AND

15                                  (IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
16 SERVES FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
17 QUALIFIES.

18                                  (4) A MEMBER OF THE BOARD:

19                                   (I) MAY NOT RECEIVE COMPENSATION; BUT

20                                   (II) IS ENTITLED TO REIMBURSEMENT FOR REASONABLE TRAVEL  
21 EXPENSES RELATED TO ATTENDING MEETINGS AND OTHER BOARD ACTIVITIES IN  
22 ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.

23                                  (B) THE BOARD SHALL HAVE THE FOLLOWING DUTIES:

24                                   (1) TO ESTABLISH GENERAL PERFORMANCE STANDARDS FOR  
25 INFORMATION TECHNOLOGY DESIGNED TO PROVIDE BLIND OR VISUALLY  
26 IMPAIRED INDIVIDUALS WITH ACCESS TO ELECTRONIC INFORMATION THAT IS  
27 EQUAL TO INFORMATION TECHNOLOGY DESIGNED TO PROVIDE ACCESS BY VISUAL  
28 DISPLAY;

29                                   (2) TO RECOMMEND PROCUREMENT SPECIFICATIONS FOR NONVISUAL  
30 DISPLAY INFORMATION TECHNOLOGY TO THE STATE AND STATE-ASSISTED  
31 ORGANIZATIONS;

32                                   (3) TO PROVIDE ADVICE AND TECHNICAL ASSISTANCE PERTAINING TO  
33 ACCESSIBLE INFORMATION TECHNOLOGY FOR BLIND OR VISUALLY IMPAIRED  
34 INDIVIDUALS TO THE STATE AND STATE-ASSISTED ORGANIZATIONS; AND

35                                   (4) TO EVALUATE INFORMATION TECHNOLOGY THAT MAY BE  
36 PURCHASED BY THE STATE OR A STATE-ASSISTED ORGANIZATION AND, BEFORE  
37 PROCUREMENT DECISIONS ARE MADE, PROVIDE THE RESULTS OF THE  
38 EVALUATION TO THE STATE UNIT OR STATE-ASSISTED ORGANIZATION.

7

1 3-1003.

2 (A) ANY CONTRACT OR AGREEMENT ENTERED INTO BY THE STATE OR  
3 STATE-ASSISTED ORGANIZATION FOR THE PURCHASE OF INFORMATION  
4 TECHNOLOGY SHALL INCLUDE A TECHNOLOGY ACCESS CLAUSE.

5 (B) THE CLAUSE SHALL BE DEVELOPED BY THE SECRETARY IN  
6 CONSULTATION WITH THE BOARD.

7 (C) BEFORE ADOPTING THE CLAUSE, THE SECRETARY SHALL:

8 (1) PUBLISH NOTICE OF A PROPOSED CLAUSE IN A NEWSPAPER OR  
9 NEWSPAPERS OF GENERAL CIRCULATION IN THE STATE; AND

10 (2) DURING THE 30 DAYS AFTER PUBLICATION, RECEIVE COMMENTS ON  
11 THE PROPOSED CLAUSE.

12 (D) THE CLAUSE SHALL CLEARLY STATE THAT, AS A CONDITION FOR THE  
13 PURCHASE OF ANY INFORMATION TECHNOLOGY BY THE STATE OR A  
14 STATE-ASSISTED ORGANIZATION, THE TECHNOLOGY SHALL:

15 (1) PROVIDE BLIND OR VISUALLY IMPAIRED INDIVIDUALS WITH  
16 EFFECTIVE ACCESS TO AND USE OF THE INFORMATION TECHNOLOGY, INCLUDING  
17 INTERACTIVE CONTROL OF THE INFORMATION TECHNOLOGY; AND

18 (2) HAVE THE CAPABILITY TO BE INTEGRATED INTO NETWORKS FOR  
19 OBTAINING, RETRIEVING, AND DISSEMINATING INFORMATION USED BY BLIND OR  
20 VISUALLY IMPAIRED INDIVIDUALS.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
22 members of the Blind or Visually Impaired Individuals' Technology Access Board shall  
23 expire as follows:

24 (1) Two members in 2000;

25 (2) Two members in 1999; and

26 (3) Two members in 1998.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 1997.