
By: Senators Della and Roesser

Introduced and read first time: February 6, 1997

Assigned to: Rules

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

4
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.

5

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.