**DIGITAL INFORMATION ACCESSIBILITY ACT A3425 (Pretlow) S6279 (Sepulveda)**

**Issue:** New Yorkers with disabilities do not have adequate access to the internet, and all aspects of Governmental programs, health care, commercial, employment, and business opportunities due to digital accessibility barriers.

Digital information is the primary mode of communication currently. According to the Pew Research Center, 93% of American adults reported utilizing the internet in 2021,1 with 85% of adults saying they utilize the internet once per day.2 With a large portion of our population using digital technologies, it is vital that these technologies are accessible to all. According to the New York State Behavioral Risk Factor Surveillance System (BRFSS) survey, 1 in every 5 New Yorkers have a disability.3 Inaccessible digital information technology can result in 20% of all New Yorkers potentially excluded from access to basic information, safe and adequate health care, the ability to participate fully and meaningfully in, and to benefit from, public and private programs and services.

The State of New York, local governments, and their agencies contract with private entities on a regular basis, and these contracts often involve procurement of information and communication technologies and related information technologies, applications, and website development services.

Whenever innovative technologies are implemented by the State or its agencies, Federal law already requires that those technologies be usable by all. Therefore, explicit, and robust accessibility requirements need to be incorporated into the procurement and development process for technologies which the State maintains or uses. Unless such requirements are built into the language of software requirements and request for proposals, as well as in the resultant contract, accessibility of the resulting final product cannot be assured, further excluding thousands of New Yorkers from equal participation.

We are currently in the process of seeking to introduce legislation to address two additional information technology related issues. We have outlined these two issues for your consideration below.

**Health Care:** Accessing prescription labels and instructions is important to ensure that medication is used correctly. However, with the widespread practice of print-only labeling, people with print related disabilities need to rely on third parties to assist them in reading the prescription. In 2012, the Poison Control Center reported that more than 296,000 people called seeking help because of a medication related error.4 Accessible prescription labeling promotes independent and safer prescription management for people who cannot access print due to a disability.

**Education:** With utilization of the online space becoming popularized during the pandemic, online courses have become the norm in continuing education. There have been many cases of digital materials used in an education setting being inaccessible from online course platforms to homework materials, to activation codes that appear in text only formats on a screen. This bill will ensure that blind students in New York do not encounter these barriers to their education. Senator Thomas intends to introduce a bill that will provide more specificity on educational accessibility that will further bridge the gap for blind students.

**Ask:** We respectfully request your support and vote to pass A3425 or S6279, The Digital Information Accessibility Act, which would amend the finance law by adding a new section that requires state agencies, public authorities, or municipalities to only award contracts that include information and communication technologies to contractors who operate under the WCAG.

Reference Notes:

1. “Internet/Broadband Fact Sheet.” Pew Research Center: Internet, Science &amp; Tech, Pew Research Center, 16 Nov. 2022, [https://www.pewresearch.org/internet/fact-sheet/internet-broadband/.](https://www.pewresearch.org/internet/fact-sheet/internet-broadband/)
2. Perrin, Andrew, and Sara Atske. “About Three-in-Ten U.S. Adults Say They Are 'Almost

Constantly' Online.” Pew Research Center, Pew Research Center, 5 June 2021, <https://www.pewresearch.org/fact-tank/2021/03/26/about-three-in-ten-u-s-adults-say-they-are-almost-constantly-online/.>

1. “Disability In New York State”. Department Of Health. [https://www.health.ny.gov/community/disability/prevalence.htm#:~:text=Based%20on%20responses%20to%20the,substantially%20among%20certain%20demographic%20subgroups.](https://www.health.ny.gov/community/disability/prevalence.htm%23%3A~%3Atext%3DBased%20on%20responses%20to%20the%2Csubstantially%20among%20certain%20demographic%20subgroups.)
2. The Center of Poison Control. “Medical Errors”. <https://www.poison.org/articles/medication-errors>.