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MEMORANDUM

To: The Members of the Colorado General Assembly
From: The Members of the National Federation of the Blind of Colorado
Date: February 13, 2023
Re: Legislative Concerns of Blind Citizens

GENERAL BACKGROUND

The National Federation of the Blind (NFB) is the oldest and largest organization of the blind in the United States and in Colorado. The primary mission of the Federation is to allow the blind to live the lives they want in all areas of life from ensuring basic civil rights to securing employment and education for the blind. Founded officially in 1955, the NFB of Colorado (NFBCO) engages in several programs specifically designed to create greater opportunities for the blind. For example, NFBCO is the founder and chief sponsor of the Colorado Center for the Blind, an agency which provides training in the alternative skills blind people need to become fully participating members of society. Additionally, NFB offers national and statewide scholarships. We also provide a free talking newspaper called NFB-NEWSLINE®, a service which enables the blind of our state to read daily newspapers and many other on-demand publications just as easily as their sighted peers. We advocate for the rights of the blind in all areas ranging from education to employment. Where positive changes are happening in the blindness field, there is a good chance that the Federation is involved.

2023 LEGISLATIVE AGENDA

1. NFBCO calls upon the Colorado General Assembly to adopt legislation which would require pharmacies in Colorado to provide accessible prescription labels for blind and/or print-disabled users, thereby enabling them to accurately and independently identify the medications they use.
2. We ask the Colorado General Assembly to pass the legislation embodied in HB23-1032 which seeks to correct Colorado's Anti-Discrimination Act (CADA) by Restoring the legislature's original intent that administrative exhaustion should not be required before a person with a disability may file a disability discrimination lawsuit.
3. Provide \$500,000 in state funding for Colorado's Business Enterprise Program so that the program can recover from the disastrous effects of the pandemic and expand opportunities for blind entrepreneurs.
4. We urge this Assembly to at least maintain funding for NFB-NEWSLINE® which gives blind and print-disabled Coloradans timely and independent access to newspapers and other periodicals.

For further information contact:

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REQUIRE PHARMACIES IN COLORADO TO OFFER ACCESSIBLE PRESCRIPTION LABELS TO THE BLIND AND PRINT-DISABLED

Prescription medication is routinely dispensed by pharmacies throughout Colorado, the nation, and the world. The printed labels used to identify specific medications, whether in liquid or pill form, are not accessible to individuals who cannot see well enough to read printed information or who cannot, due to a print disability, read what has been printed. The ability to properly identify specific medications without assistance is critical to ensure that a patient does not take the wrong medication. This is truly a matter of life and death.

While technology exists to produce prescription labels in Braille, large print, and audible formats and while pharmacies can be found which can produce prescription labels in one or more of these formats, consumers who cannot use traditionally-printed prescription labels are finding that drug labels in accessible formats are neither consistently nor readily available to them. They cannot be confident that all of the pharmacies from whom they may acquire their medications will use any of these technologies and approaches, let alone telling them about ways in which the pharmacy can provide accessible prescription labels. In short, pharmacies in Colorado are not required to provide prescription label information in ways that work for people who are blind or print-disabled, and there is no consistent way in which the pharmacies are required to provide this critical information.

Please support legislation which would:

1. require pharmacies to provide accessible prescription labels for blind and print disabled users,
2. require pharmacies to notify each person to whom a prescription drug is dispensed that an accessible prescription label is available to the person upon request at no additional cost,
3. provide that if a person informs the pharmacy that the person identifies as a person who is blind, visually impaired, or otherwise print disabled the pharmacy shall provide to the person an accessible prescription label affixed to the bottle that is:
 - A. available to the person in a timely manner comparable to other patient wait time and lasting for at least the duration of the prescription;
 - B. appropriate to the disability and preference of the person making the request through use of audible, large print, or Braille labels;
 - C. conforms to the format specific best practices established by the Architectural and Transportation Barriers Compliance Board (established under section 504 of the Rehabilitation Act of 1973); and
 - D. Contains all the label information required by state statute and federal law, including cautions and warnings, and any information available to sighted individuals reading the printed label.

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**SUPPORT LEGISLATION TO
FIX THE COLORADO ANTIDISCRIMINATION ACT**

Part 6 of the Colorado Antidiscrimination Act (CADA) originally provided the basis for disability discrimination claims against public businesses in Section 602. This section provides that a person with a disability can either file suit or file an administrative complaint, but not both. Courts agreed with that interpretation. In fact, the language in Section 602 regarding remedies is still there.

But when the CADA was amended in 2014 to expand protections for people with disabilities, a provision was inserted into Section 602 that led to some confusion about the remedies available to individuals with disabilities filing discrimination complaints against public businesses. Some court decisions required people with disabilities to exhaust administrative remedies before they could file lawsuits.

HB23-1032 will clarify that people with disabilities have a choice of filing an administrative complaint or filing a lawsuit to address discrimination issues. It also cleans up the CADA by putting the disability discrimination provisions together in Part 8.

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PROVIDE STATE FUNDING FOR COLORADO'S BUSINESS ENTERPRISE PROGRAM

The Colorado Business Enterprise Program has historically been the most successful employment program for blind Coloradans, providing entrepreneurial opportunities for blind vendors on state and federal sites. At the federal level, the program is operated under the United States Department of Education, Rehabilitation Services Administration. In Colorado, the program is over seen by the Division of Vocational Rehabilitation within the Colorado Department of labor and employment. The program receives no state funds for its administration and operation. It has been funded by set-asides from blind operators themselves along with matching federal funds. House Bill 16-1048 increased the opportunity for blind entrepreneurs to operate contracts under the state of Colorado, but before the benefits of this bill could even begin to be implemented, the pandemic virtually shut down the program and closed too many vending locations.

In order to expand Colorado's Business Enterprise Program into new business arenas and stabilize current operations, The National Federation of the Blind of Colorado is asking the state legislature to:

1. allow the Business Enterprise Program spending authority to meet current needs as indicated by the Colorado Department of Labor and Employment and its request to the joint budget committee and
2. appropriate \$500,000 in order to upgrade and expand the existing program.

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MAINTAIN FUNDING FOR THE NFB-NEWSLINE® SERVICE

For more than a dozen years, the Colorado General Assembly has funded NFB-NEWSLINE® in Colorado, providing blind Coloradans the same daily access to newspapers and magazines as their sighted neighbors and family members enjoy. This year, we request that the General Assembly at least maintain its financial support, currently at \$120,000.00 annually, so that blind people can access the critical and vital information provided by the service. Because NFB-NEWSLINE® is funded through the Disabled Telephone Users Fund (DTUF), funding to NFB-NEWSLINE® does not impact general funds. The DTUF's funding comes from a very small fee on Land lines and cell phones in Colorado.

Access to information from the newspapers and magazines of our nation and state plays a critical role for each of us as informed and participating citizens. Recognizing this, in the mid 1990's, the National Federation of the Blind developed and implemented NFB-NEWSLINE®. With this revolutionary system, the blind are able to pick up their touch tone phone, call a toll-free number or open an app on their iOS or Android device and select from more than 450 different newspapers and magazines including the Denver Post, Colorado Springs Gazette, Fort Collins Coloradoan, Wall Street Journal, New York Times, and many other national newspapers. Today the phone-in option is still in place, but access via the NFB-NEWSLINE® mobile app has comparable usage statistics. Additional options include online on-demand reading with a web browser, email delivery, and remote content download via specialized devices used by the blind and others with print disabilities. Thus, subscribers have access to the three Colorado newspapers offered, national newspapers, and numerous magazines – everything from AARP publications to Time and Wired. There are even accessible and locally-relevant television listings – something impossible to find in an accessible form for the blind. Additionally, the system provides current weather conditions as well as watches and warnings. Currently, over 1400 blind Coloradans have access to the 450-plus newspapers, 75 magazines, and other publications on NFB-NEWSLINE®. About once every two minutes, a blind Coloradan is tapping into the vast wealth of information available through NFB-NEWSLINE®.

With the funding provided, the NFB of Colorado will not only maintain the service, it will expand its reach. We will create even greater opportunities to share NFB-NEWSLINE® on additional web based and other technological platforms; expand the number of publications available; train more blind individuals to use the system; and work with the Audio Information Network of Colorado (AINC) to provide more information to the blind of Colorado. AINC is another service funded by the DTUF providing other timely publications and information to our state's blind and print-disabled citizens. The NFB of Colorado supports continued funding for AIN as well.

For further information regarding NFB-NEWSLINE® contact:

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SUPPORT THE COLORADO CENTER FOR THE BLIND AND NFB SCHOLARSHIP PROGRAMS

Founded in 1988 by the NFB of Colorado, the Colorado Center for the Blind (CCB) offers world class rehabilitation and adjustment to blindness training to blind/visually impaired individuals in our state and from all over the world. We believe blind people can do anything. Every day, we encourage and challenge each student—and they come to understand their potential as they build the skills and confidence to live the life they want. Because when you believe in yourself and experience a thriving community of positive blind people, nothing can hold you back from pursuing your dreams.

CCB programs serve all ages from kids as young as elementary age to seniors. CCB teaches cane travel/orientation and mobility, Braille, technology, independent daily living skills, employment skills, and much, much more. Nearly all of the teaching staff is made up of blind instructors who serve as excellent role models. Please read the CCB brochure in your packet for more information or go to www.cocenter.org. Our Center is located in Littleton, and you are always welcome and encouraged to visit.

SCHOLARSHIPS

The National Federation of the Blind, on a national basis, offers thirty scholarships to talented blind men and women attending a post-secondary institution. Over two hundred thousand dollars are awarded each year and provide real opportunity for deserving students. Interested applicants can find more information at <https://nfb.org/scholarships>.

On a state level, the NFB of Colorado offers up to five scholarships to blind men and women attending a post-secondary institution and scholarships range from \$1,500.00 to \$5,000.00. More information on how to apply is contained in your legislative packet. Please inform your local high schools, colleges and universities as well as any blind/visually impaired post-secondary student you know about these valuable scholarship opportunities.

For further information on any of these issues contact:

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