
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 746 Session of
2023

INTRODUCED BY D. MILLER, MARKOSEK, KINSEY, HILL-EVANS,
SCHLOSSBERG, MADDEN, DELLOSO, SANCHEZ, PARKER, MERSKI, ABNEY,
D. WILLIAMS AND OTTEN, MARCH 28, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 28, 2023

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, in boards and offices, providing for
3 Office of Information Technology.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Part V of Title 71 of the Pennsylvania
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 43

9 OFFICE OF INFORMATION TECHNOLOGY

10 Sec.

11 4301. Definitions.

12 4302. Accessibility standards.

13 4303. Procurement.

14 4304. Effect of chapter.

15 § 4301. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

1 "Accessibility." Perceivable, operable and understandable
2 digital content that enables an individual with a disability to
3 access the same information, engage in the same interactions and
4 enjoy the same services offered to individuals without a
5 disability, with the same privacy, independence and ease of use
6 aspects that exist for individuals without a disability.

7 "Disability." As defined in 42 U.S.C. § 12102(1) (relating
8 to definition of disability) and its implementing regulations.

9 "Individual with a disability." As the term "qualified
10 individual with a disability" is defined in 42 U.S.C. § 12131
11 (relating to definitions).

12 "Municipality." Any of the following:

13 (1) A county, city, borough, incorporated town, township
14 or home rule municipality.

15 (2) A department, board, commission or other officer or
16 agency of an entity under paragraph (1).

17 "Office." The Office of Information Technology of the
18 Commonwealth's Office of Administration.

19 "Public entity." As follows:

20 (1) Any of the following:

21 (i) The Governor or a department, board, commission,
22 authority or other officer or agency of the Commonwealth.

23 (ii) A municipality.

24 (2) The term does not include:

25 (i) A court or an officer or agency of the unified
26 judicial system.

27 (ii) The General Assembly or an officer or agency of
28 the General Assembly.

29 (iii) A State-related institution, as defined in
30 section 2001-C of the act of March 10, 1949 (P.L.30,

1 No.14), known as the Public School Code of 1949.

2 (iv) The State System of Higher Education or any of
3 its institutions.

4 § 4302. Accessibility standards.

5 (a) Duties of chief information officer.--The chief
6 information officer of the office shall:

7 (1) Maintain accessibility standards for individuals
8 with a disability for information technology systems employed
9 by public entities that:

10 (i) Provide individuals with a disability with
11 access to information stored electronically by public
12 entities by ensuring compatibility with adaptive
13 technology systems so that individuals with a disability
14 have full and equal access when needed.

15 (ii) Are designed to present information, including
16 prompts used for interactive communications, in formats
17 intended for both visual and nonvisual use, such as the
18 use of text-only options.

19 (2) Consistent with the responsibilities of the office,
20 promote and monitor the accessibility standards for
21 individuals with a disability in the State's information
22 technology infrastructure, including architecture. Each
23 public entity shall comply with the accessibility standards
24 established by the Americans with Disabilities Act of 1990
25 (Public Law 101-336, 104 Stat. 327) in the creation and
26 promulgation of any online content and materials used by the
27 public entity.

28 (3) Consult with public entities and representatives of
29 individuals with a disability in developing and maintaining
30 the accessibility standards for individuals with a

1 disability.

2 (4) Develop accessibility standards for individuals with
3 a disability using the web content accessibility guidelines
4 promulgated and published by the World Wide Web Consortium
5 (W3C) Web Accessibility Initiative or the international
6 accessibility guidelines working group, or any successor
7 group or organization. The office may revise the
8 accessibility standards based on updates or revisions of the
9 guidelines, in which case the office shall transmit notice of
10 its revisions to the Legislative Reference Bureau for
11 publication in the next available issue of the Pennsylvania
12 Bulletin. The revisions shall become effective upon
13 publication in the Pennsylvania Bulletin.

14 (b) Duties of public entities.--Each public entity shall
15 develop a written plan, including any proposed budget requests,
16 to implement its accessibility standards for individuals with a
17 disability at facilities accessible by the public as follows:

18 (1) No later than July 1, 2024, the public entity shall
19 submit the plan to the office, which shall work
20 collaboratively with the public entity to review the plan and
21 establish an implementation methodology.

22 (2) No later than July 1, 2026, the public entity shall
23 fully implement the plan.

24 § 4303. Procurement.

25 (a) Minimum standards and criteria.--The office shall
26 approve minimum standards and criteria to be used in the
27 procurement by public entities of supplies, services or
28 construction, as those terms are defined in 62 Pa.C.S. § 103
29 (relating to definitions), regarding adaptive technologies for
30 nonvisual or other disability access uses.

1 (b) Compliance.--Compliance with subsection (a) shall be
2 achieved at the time of procurement of an upgrade or replacement
3 of existing information equipment or software.

4 § 4304. Effect of chapter.

5 (a) Use by individuals without disability.--Nothing in this
6 chapter shall require the installation of software or peripheral
7 devices used for accessibility for an individual with a
8 disability when the information technology is being used by
9 individuals without a disability.

10 (b) Accessibility required.--Notwithstanding any other
11 provision of this chapter, the applications, programs and
12 underlying operating systems, including the format of the data,
13 which are used for the manipulation and presentation of
14 information, must permit the installation and effective use of
15 and be compatible with software and peripheral devices that
16 provide accessibility to individuals with a disability.

17 Section 2. This act shall take effect in 60 days.