

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 section 3(2) of the Americans  
8 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.  
9 327) and its implementing regulations.

10 "Individual with a disability." As the term "qualified  
11 individual with a disability" is defined in section 201(2) of  
12 the Americans with Disabilities Act of 1990 and its implementing  
13 regulations.

14 "Municipality." Any of the following:

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

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

19 "Office." The Office of Information Technology of the  
20 Commonwealth's Office of Administration.

21 "Public entity." As follows:

22 (1) Any of the following:

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

25 (ii) A municipality.

26 (2) The term does not include:

27 (i) A court or an officer or agency of the unified  
28 judicial system.

29 (ii) The General Assembly or an officer or agency of  
30 the General Assembly.

1           (iii) A State-related institution, as defined in  
2           section 2001-C of the act of March 10, 1949 (P.L.30,  
3           No.14), known as the Public School Code of 1949.

4           (iv) The State System of Higher Education or any of  
5           its institutions.

6 § 4302. Accessibility standards.

7           (a) Duties of chief information officer.--The chief  
8           information officer of the office shall:

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

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

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

21           (2) Consistent with the responsibilities of the office,  
22           promote and monitor the accessibility standards for  
23           individuals with a disability in the State's information  
24           technology infrastructure, including architecture. Each  
25           public entity shall comply with the accessibility standards  
26           established by the office for individuals with a disability  
27           in the creation and promulgation of any online content and  
28           materials used by the public entity.

29           (3) Consult with public entities and representatives of  
30           individuals with a disability in developing and maintaining

1 the accessibility standards for individuals with a  
2 disability.

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

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

19 (1) No later than July 1, 2022, the public entity shall  
20 submit the plan to the office, which shall work  
21 collaboratively with the public entity to review the plan and  
22 establish an implementation methodology.

23 (2) No later than July 1, 2024, the public entity shall  
24 fully implement the plan.

25 § 4303. Procurement.

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

1 nonvisual or other disability access uses.

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

5 § 4304. Effect of chapter.

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

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

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