CHAPTER_______

1 AN ACT concerning

State Government - Access to State Agencies - Persons Individuals with
Limited English Proficiency

4 FOR the purpose of stating the intent of the General Assembly that State agencies
provide services to persons individuals with limited English proficiency;
6 requiring certain documents distributed to the public by State agencies to be
translated into any language spoken by a certain percentage of any limited
8 English proficient population within the geographic service area of a local office
9 of a State agency, and that such documents be available as needed for
distribution on a statewide basis; requiring State agencies to promulgate certain
10 regulations by a certain date establishing a schedule for the implementation of
12 the requirements of this Act; providing for the construction of this Act; defining
13 certain terms; and generally relating to access to State agencies by persons
14 individuals with limited English proficiency.

15 BY adding to
16 Article - State Government
17 Section 10-1101 through 10-1103, inclusive, to be under the new subtitle
"Subtitle 11. Language Access"

Annotated Code of Maryland

(1999 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - State Government

SUBTITLE 11. LANGUAGE ACCESS.

10-1101.

THE GENERAL ASSEMBLY FINDS THAT THE INABILITY TO SPEAK, UNDERSTAND, OR READ THE ENGLISH LANGUAGE IS A BARRIER THAT PREVENTS ACCESS TO STATE DEPARTMENTS, AGENCIES, AND PROGRAMS, AND THAT THE SERVICES AVAILABLE THROUGH THESE ENTITIES ARE ESSENTIAL TO THE WELFARE OF MARYLAND RESIDENTS. IT IS THE POLICY OF THE STATE THAT STATE DEPARTMENTS, AGENCIES, AND PROGRAMS SHALL PROVIDE EQUAL ACCESS TO PUBLIC SERVICES TO PERSONS WITH LIMITED ENGLISH PROFICIENCY.

10-1102.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "EQUAL ACCESS" MEANS TO BE INFORMED OF, PARTICIPATE IN, AND BENEFIT FROM SERVICES OFFERED BY A STATE DEPARTMENT, AGENCY, OR PROGRAM, AT A LEVEL EQUAL TO ENGLISH PROFICIENT PERSONS.

(C) "FORMS AND DOCUMENTS" MEANS ALL APPLICATIONS, OR INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE DEPARTMENTS, AGENCIES, AND PROGRAMS.

(D) "LIMITED ENGLISH PROFICIENCY" MEANS THE INABILITY TO ADEQUATELY UNDERSTAND OR EXPRESS ONESELF IN THE SPOKEN OR WRITTEN ENGLISH LANGUAGE.

(E) "ORAL LANGUAGE SERVICES" INCLUDES VARIOUS METHODS TO PROVIDE VERBAL INFORMATION AND INTERPRETATION SUCH AS STAFF INTERPRETERS, BILINGUAL STAFF, TELEPHONE INTERPRETER PROGRAMS, AND PRIVATE INTERPRETER PROGRAMS.

(F) "PROGRAM" MEANS ALL OF THE OPERATIONS OF A STATE DEPARTMENT, STATE AGENCY, OR ANY OTHER INSTRUMENTALITY OF THE STATE.

(G) "VITAL DOCUMENTS" MEANS ALL APPLICATIONS, OR INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE DEPARTMENTS, AGENCIES, AND PROGRAMS.
(A) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL TAKE REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES TO INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

(B) EQUAL ACCESS SHALL BE ACHIEVED BY:

(1) THE PROVISION OF INTERPRETERS FOR PERSONS WHO CANNOT ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN SPEAKENGLISH ORAL LANGUAGE SERVICES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY, WHICH MUST BE THROUGH FACE-TO-FACE, IN-HOUSE ORAL LANGUAGE SERVICES IF CONTACT BETWEEN THE AGENCY AND INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY IS ON A WEEKLY OR MORE FREQUENT BASIS;

(2) THE TRANSLATION OF FORMS AND VITAL DOCUMENTS ORDINARILY PROVIDED TO THE PUBLIC INTO ANY LANGUAGE SPOKEN BY ANY LIMITED ENGLISH PROFICIENT POPULATION THAT CONSTITUTES 3% OF THE OVERALL POPULATION WITHIN THE GEOGRAPHIC AREA SERVED BY A LOCAL OFFICE OF A STATE DEPARTMENT, AGENCY, OR PROGRAM AS MEASURED BY THE UNITED STATES CENSUS; AND

(II) PROVIDING THE FORMS AND VITAL DOCUMENTS IN ITEM (I) OF THIS PARAGRAPH ON A STATEWIDE BASIS TO ANY LOCAL OFFICE AS NECESSARY; AND

(3) ANY ADDITIONAL METHODS OR MEANS NECESSARY TO ACHIEVE EQUAL ACCESS TO THE STATE PROGRAM.

(C) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL ADOPT REGULATIONS IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE BY MARCH 1, 2003.

(1) THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE CENTRAL COORDINATION AND TECHNICAL ASSISTANCE TO PROGRAMS TO AID COMPLIANCE WITH THIS SUBTITLE.

(2) THE PROVISIONS OF THIS SUBTITLE SHALL BE FULLY IMPLEMENTED ACCORDING TO THE FOLLOWING SCHEDULE:

(I) ON OR BEFORE JULY 1, 2003, FULL IMPLEMENTATION BY:

1. THE DEPARTMENT OF HUMAN RESOURCES;

2. THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;

3. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;
HOUSE BILL 1174

(II) ON OR BEFORE JULY 1, 2004, FULL IMPLEMENTATION BY:

1. THE DEPARTMENT OF AGING;
2. THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;
3. THE DEPARTMENT OF TRANSPORTATION, NOT INCLUDING THE MARYLAND TRANSIT ADMINISTRATION;
4. THE MARYLAND HUMAN RELATIONS COMMISSION;
5. THE DEPARTMENT OF STATE POLICE; AND
6. FIVE INDEPENDENT AGENCIES, BOARDS, OR COMMISSIONS, TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL;

(III) ON OR BEFORE JULY 1, 2005, FULL IMPLEMENTATION BY:

1. THE COMPTROLLER OF MARYLAND;
2. THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;
3. THE MARYLAND TRANSIT ADMINISTRATION;
4. THE DEPARTMENT OF NATURAL RESOURCES;
5. THE MARYLAND STATE DEPARTMENT OF EDUCATION;
6. THE OFFICE OF THE ATTORNEY GENERAL; AND
7. FIVE INDEPENDENT AGENCIES, BOARDS, OR COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL; AND

(IV) ON OR BEFORE JULY 1, 2006, FULL IMPLEMENTATION BY:

1. THE DEPARTMENT OF AGRICULTURE;
2. THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;
3. THE DEPARTMENT OF VETERANS AFFAIRS; AND
4. FIVE INDEPENDENT AGENCIES, BOARDS, OR COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to either recommend or to require the creation of a State office to coordinate language translation and technical support for this Act. Each agency, department, or program required to implement the provisions of this Act shall do so without the assistance of a statewide office created to coordinate these services.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October July 1, 2002.