
By: **Senator Sfikas**

Introduced and read first time: January 23, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Access to State Agencies - Persons with Limited English**
3 **Proficiency**

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

13 BY adding to
14 Article - State Government
15 Section 10-1101 through 10-1103, inclusive, to be under the new subtitle
16 "Subtitle 11. Language Access"
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

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

21 **Article - State Government**

22 **SUBTITLE 11. LANGUAGE ACCESS.**

23 10-1101.

24 THE GENERAL ASSEMBLY FINDS THAT THE INABILITY TO SPEAK, UNDERSTAND,
25 OR READ THE ENGLISH LANGUAGE IS A BARRIER THAT PREVENTS ACCESS TO STATE
26 DEPARTMENTS, AGENCIES, AND PROGRAMS, AND THAT THE SERVICES AVAILABLE
27 THROUGH THESE ENTITIES ARE ESSENTIAL TO THE WELFARE OF MARYLAND
28 RESIDENTS. IT IS THE POLICY OF THE STATE THAT STATE DEPARTMENTS, AGENCIES,

1 AND PROGRAMS SHALL PROVIDE EQUAL ACCESS TO PUBLIC SERVICES TO PERSONS
2 WITH LIMITED ENGLISH PROFICIENCY.

3 10-1102.

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

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

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

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

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

17 10-1103.

18 (A) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL TAKE
19 REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES TO
20 INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

21 (B) EQUAL ACCESS SHALL BE ACHIEVED BY:

22 (1) THE PROVISION OF INTERPRETERS FOR PERSONS WHO CANNOT
23 ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN SPOKEN ENGLISH;

24 (2) (I) THE TRANSLATION OF FORMS AND DOCUMENTS ORDINARILY
25 PROVIDED TO THE PUBLIC INTO ANY LANGUAGE SPOKEN BY ANY LIMITED ENGLISH
26 PROFICIENT POPULATION THAT CONSTITUTES 3% OF THE OVERALL POPULATION
27 WITHIN THE GEOGRAPHIC AREA SERVED BY A LOCAL OFFICE OF A STATE
28 DEPARTMENT, AGENCY, OR PROGRAM; AND

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

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

33 (C) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL ADOPT
34 REGULATIONS IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE BY MARCH 1,
35 2003.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2002.