

HOUSE BILL 1144

P1

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By: **Delegates Acevero, Ivey, Crutchfield, Fennell, R. Lewis, Patterson, and
Pena-Melnyk**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Equal Access to Public Services for Individuals With**
3 **Limited English Proficiency – Modifications**

4 FOR the purpose of altering provisions of law relating to equal access to public services for
5 individuals with limited English proficiency by establishing certain requirements for
6 certain State departments, agencies, or programs, including establishing certain
7 positions and establishing a certain language access plan; requiring the Maryland
8 Commission of Civil Rights to provide oversight, monitoring, investigation, and
9 enforcement of certain language access provisions; and generally relating to equal
10 access to public services for individuals with limited English proficiency.

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 10–1102 and 10–1103
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – State Government
18 Section 20–101(a) and (b)
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2022 Supplement)

21 BY adding to
22 Article – State Government
23 Section 20–209
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Government**

4 10–1102.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Equal access” means to be informed of, participate in, and benefit from public
7 services offered by a State department, agency, or program, at a level equal to English
8 proficient individuals.

9 (c) **“LANGUAGE ACCESS COMPLIANCE PROGRAM COORDINATOR” MEANS**
10 **AN INDIVIDUAL WHO IS:**

11 **(1) EMPLOYED BY A STATE DEPARTMENT, AGENCY, OR PROGRAM**
12 **LISTED OR IDENTIFIED UNDER § 10–1103(C) OF THIS SUBTITLE; AND**

13 **(2) RESPONSIBLE FOR DEVELOPING, IMPLEMENTING, MAINTAINING,**
14 **AND OVERSEEING ALL PROGRAMS AND SERVICES IN COMPLIANCE WITH THE**
15 **PROVISIONS OF THIS SUBTITLE, INCLUDING:**

16 **(I) ENSURING PROVIDING MEANINGFUL ACCESS AND PROPER**
17 **COMMUNICATION RELATING TO INDIVIDUALS WITH LIMITED ENGLISH**
18 **PROFICIENCY; AND**

19 **(II) PREVENTING LANGUAGE–BASED DISCRIMINATION**
20 **VIOLATIONS.**

21 **[(c)] (D)** “Limited English proficiency” means the inability to adequately
22 understand or express oneself in the spoken or written English language.

23 **[(d)] (E)** “Oral language services” includes various methods to provide verbal
24 information and interpretation such as staff interpreters, bilingual staff, telephone
25 interpreter programs, and private interpreter programs.

26 **[(e)] (F)** “Program” means all of the operations of a State department, State
27 agency, or any other instrumentality of the State.

28 **[(f)] (G)** (1) “Vital documents” means all applications or informational
29 materials, notices, and complaint forms offered by State departments, agencies, and
30 programs.

1 (2) “Vital documents” does not include applications and examinations
2 related to the licensure, certification, or registration under the Health Occupations Article,
3 Financial Institutions Article, Business Occupations and Professions Article, and Business
4 Regulation Article within the jurisdiction of the Maryland Department of Health or the
5 Maryland Department of Labor.

6 10–1103.

7 (a) Each State department, agency, or program listed or identified under
8 subsection (c) of this section shall:

9 (1) take reasonable steps to provide equal access to public services for
10 individuals with limited English proficiency;

11 (2) **DESIGNATE A LANGUAGE ACCESS COMPLIANCE PROGRAM**
12 **COORDINATOR TO COORDINATE REQUESTS FOR ORAL LANGUAGE SERVICES AND**
13 **TRANSLATIONS OF VITAL DOCUMENTS TO AN INDIVIDUAL WITH LIMITED ENGLISH**
14 **PROFICIENCY WHO SEEKS ACCESS TO OR PARTICIPATION IN ANY SERVICES,**
15 **PROGRAMS, OR ACTIVITIES OFFERED BY A STATE DEPARTMENT, AGENCY, OR**
16 **PROGRAM;**

17 (3) **ESTABLISH A LANGUAGE ACCESS PLAN, IN CONSULTATION WITH**
18 **THE LANGUAGE ACCESS COMPLIANCE PROGRAM COORDINATOR;**

19 (4) **CONDUCT OUTREACH TO COMMUNITIES WITH LIMITED ENGLISH**
20 **PROFICIENT POPULATIONS REGARDING LANGUAGE ACCESS PLANS AND THE**
21 **BENEFITS AND SERVICES OFFERED BY EACH STATE DEPARTMENT, AGENCY, OR**
22 **PROGRAM;**

23 (5) **ESTABLISH A LANGUAGE ACCESS COMPLIANCE POLICY AND**
24 **STANDARD OPERATING PROCEDURE, IN CONSULTATION WITH THE LANGUAGE**
25 **ACCESS COMPLIANCE PROGRAM DIRECTOR UNDER § 20–209 OF THIS ARTICLE; AND**

26 (6) **DISPLAY AT EVERY RECEPTION AND CUSTOMER SERVICE DESK A**
27 **LANGUAGE IDENTIFICATION DESKTOP POSTER TO ASSIST LIMITED ENGLISH**
28 **PROFICIENT INDIVIDUALS TO IDENTIFY THE INDIVIDUAL’S PREFERRED LANGUAGE**
29 **AND INFORM INDIVIDUALS THAT INTERPRETATION SERVICES ARE AVAILABLE.**

30 (b) Reasonable steps to provide equal access to public services include:

31 (1) the provision of oral language services for individuals with limited
32 English proficiency, which must be through face-to-face, in-house oral language services
33 if contact between the agency and individuals with limited English proficiency is on a
34 weekly or more frequent basis;

1 (2) (i) the translation of vital documents ordinarily provided to the
2 public into any language spoken by any limited English proficient population that
3 constitutes 3% of the overall population within the geographic area served by a local office
4 of a State program as measured by the United States Census; and

5 (ii) the provision of vital documents translated under item (i) of this
6 item on a statewide basis to any local office as necessary; and

7 (3) any additional methods or means necessary to achieve equal access to
8 public services.

9 (c) The provisions of this section shall be fully implemented according to the
10 following schedule:

11 (1) on or before July 1, 2003, full implementation by:

12 (i) the Department of Human Services;

13 (ii) the Maryland Department of Labor;

14 (iii) the Maryland Department of Health;

15 (iv) the Department of Juvenile Services; and

16 (v) the Workers' Compensation Commission;

17 (2) on or before July 1, 2004, full implementation by:

18 (i) the Department of Aging;

19 (ii) the Department of Public Safety and Correctional Services;

20 (iii) the Department of Transportation, not including the Maryland
21 Transit Administration;

22 (iv) the Commission on Civil Rights;

23 (v) the Department of State Police; and

24 (vi) five independent agencies, boards, or commissions, to be
25 determined by the Secretary of Human Services, in consultation with the Office of the
26 Attorney General;

27 (3) on or before July 1, 2005, full implementation by:

28 (i) the Comptroller of Maryland;

- 1 (ii) the Department of Housing and Community Development;
- 2 (iii) the Maryland Transit Administration;
- 3 (iv) the Department of Natural Resources;
- 4 (v) the Maryland State Department of Education;
- 5 (vi) the Office of the Attorney General; and
- 6 (vii) five independent agencies, boards, or commissions to be
7 determined by the Secretary of Human Services, in consultation with the Office of the
8 Attorney General; and

- 9 (4) on or before July 1, 2006, full implementation by:
- 10 (i) the Department of Agriculture;
- 11 (ii) the Department of Commerce;
- 12 (iii) the Department of Veterans Affairs;
- 13 (iv) the Department of the Environment; and
- 14 (v) five independent agencies, boards, or commissions to be
15 determined by the Secretary of Human Services, in consultation with the Office of the
16 Attorney General.

17 **(D) A LANGUAGE ACCESS PLAN ESTABLISHED UNDER SUBSECTION (A)(3) OF**
18 **THIS SECTION SHALL BE UPDATED EVERY 2 YEARS AND SHALL INCLUDE:**

19 **(1) THE TYPES OF ORAL LANGUAGE SERVICES THAT THE STATE**
20 **DEPARTMENT, AGENCY, OR PROGRAM WILL PROVIDE AND HOW THE**
21 **DETERMINATION WAS REACHED;**

22 **(2) THE TITLES OF TRANSLATED DOCUMENTS THAT THE STATE**
23 **DEPARTMENT, AGENCY, OR PROGRAM WILL PROVIDE AND HOW THE**
24 **DETERMINATION WAS REACHED;**

25 **(3) THE NUMBER OF CONTACT POSITIONS IN THE STATE**
26 **DEPARTMENT, AGENCY, OR PROGRAM AND THE NUMBER AND LANGUAGE TYPE OF**
27 **BILINGUAL EMPLOYEES IN PUBLIC CONTACT POSITIONS;**

28 **(4) AN EVALUATION AND ASSESSMENT OF THE ADEQUACY OF THE**
29 **SERVICES TO BE PROVIDED; AND**

1 **(5) A DESCRIPTION OF THE FUNDING AND BUDGETARY SOURCES ON**
2 **WHICH THE COVERED STATE DEPARTMENT, AGENCY, OR PROGRAM INTENDS TO**
3 **RELY TO IMPLEMENT THE LANGUAGE ACCESS PLAN.**

4 **(E) ON OR BEFORE DECEMBER 31 EACH YEAR, EACH STATE DEPARTMENT,**
5 **AGENCY, OR PROGRAM LISTED OR IDENTIFIED UNDER SUBSECTION (C) OF THIS**
6 **SECTION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH**
7 **§ 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY, ON THE IMPLEMENTATION OF**
8 **THIS SECTION, A DESCRIPTION OF OPERATIONS AND FISCAL IMPACT.**

9 20-101.

10 (a) In Subtitles 1 through 11 of this title the following words have the meanings
11 indicated.

12 (b) “Commission” means the Commission on Civil Rights.

13 **20-209.**

14 **(A) THE COMMISSION SHALL:**

15 **(1) PROVIDE OVERSIGHT, MONITORING, INVESTIGATION, AND**
16 **ENFORCEMENT OF EACH STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR**
17 **IDENTIFIED UNDER § 10-1103(C) OF THIS ARTICLE;**

18 **(2) DESIGNATE:**

19 **(I) A LANGUAGE ACCESS COMPLIANCE PROGRAM DIRECTOR;**

20 **(II) TWO LANGUAGE ACCESS COMPLIANCE PROGRAM**
21 **MONITORS; AND**

22 **(III) ONE LANGUAGE ACCESS COMPLIANCE PROGRAM ANALYST;**

23 **(3) REVIEW AND MONITOR EACH LANGUAGE ACCESS PLAN**
24 **ESTABLISHED UNDER § 10-1103(A) OF THIS ARTICLE;**

25 **(4) PROVIDE GUIDANCE AND SUPERVISION TO THE LANGUAGE**
26 **ACCESS COMPLIANCE PROGRAM MONITORS AND LANGUAGE COMPLIANCE**
27 **PROGRAM ANALYST;**

28 **(5) CONSULT WITH LANGUAGE ACCESS COMPLIANCE PROGRAM**
29 **COORDINATORS DESIGNATED UNDER § 10-1103(A)(2) OF THIS ARTICLE; AND**

1 **(6) DEVELOP AND UPDATE LANGUAGE ACCESS POLICY AND**
2 **LANGUAGE ACCESS STANDARD OPERATING PROCEDURES TEMPLATES FOR A STATE**
3 **DEPARTMENT, AGENCY, OR PROGRAM LISTED OR IDENTIFIED UNDER § 10-1103(C)**
4 **OF THIS ARTICLE.**

5 **(B) A LANGUAGE ACCESS COMPLIANCE PROGRAM MONITOR OR LANGUAGE**
6 **ACCESS COMPLIANCE PROGRAM ANALYST DESIGNATED UNDER THIS SECTION**
7 **SHALL:**

8 **(1) TRACK AND INVESTIGATE COMPLAINTS REGARDING LANGUAGE**
9 **ACCESS VIOLATIONS; AND**

10 **(2) ISSUE A WRITTEN FINDING OF NONCOMPLIANCE TO THE ENTITY**
11 **REGARDING FAILURES TO PROVIDE LANGUAGE ACCESS.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2023.