MEANINGFUL LANGUAGE ACCESS TO STATE SERVICES ACT

Act 241 of 2023

AN ACT to facilitate access to state services by individuals with limited English proficiency; to provide for the powers and duties of certain state governmental officers and entities; and to provide for biennial reports concerning meaningful language access.

History: 2023, Act 241, Eff. Feb. 28, 2024

The People of the State of Michigan enact:

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37.21 Short title; legislative intent; definitions.

Sec. 1.

(1) This act may be cited as the "meaningful language access to state services act".

(2) It is the intent of the legislature that in implementing this act each covered entity be guided by federal Executive Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000), and related implementing provisions of federal law, regulation, and guidance in providing language access services, whether or not the covered entity receives federal funding.

(3) As used in this act:

(a) "Covered entity" means a state department, agency, or entity.

(b) "Limited English proficiency" means the inability to understand or to effectively express oneself in spoken or written English as a result of one's national origin and the individual has not developed fluency in the English language.

(c) "Meaningful language access" means the ability to receive information and to participate in and benefit from public services offered by a covered entity.

(d) "Office of global Michigan" means that term as defined in the statewide meaningful language access coordination act.

(e) "Oral language services" includes various methods to provide verbal information and interpretation, such as staff interpreters, bilingual staff, telephone interpreter programs, televideo interpretation services, and private interpreter programs.

(f) "Vital documents" means printed or electronic documents that provide important information necessary to access or participate in services, programs, and activities of a covered entity, including, but not limited to, applications, outreach materials, and written notices of rights, denials, losses, or decreases in benefits or services.

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37.22 Meaningful language access to public services; reasonable steps.

Sec. 2.

Each covered entity shall take reasonable steps to provide meaningful language access to public services for individuals with limited English proficiency. Reasonable steps include all of the following:

(a) Providing oral language services for individuals with limited English proficiency through face-to-face, in-house or telephonic oral language services. Oral language services provided under this act must be provided by individuals and through means with demonstrated competency in the appropriate language. Oral language services provided by a relative, friend, or bystander do not meet the requirements of this act and do not substitute for the duty to provide access to oral language services. However, the individual with limited English proficiency may choose to use an interpreter of the individual's choice, at the individual's expense, in place of or as a supplement to the oral language services the covered entity is required to provide.

(b) Having available sufficient, appropriate oral language services to provide meaningful language access, based on reliable data documenting the proportion of individuals with limited English proficiency eligible to be served or encountered by the agency and the frequency of encounters within the geographic area served, and taking into consideration the nature and importance of the program, activity, or service provided.

(c) Translating vital documents ordinarily provided to the public into all of the following languages and providing those translated documents to local offices as necessary:

(i) Every language spoken by a population with limited English proficiency that, based on reliable data, constitutes 3% or more of the overall population within the geographic area of the covered entity.

(ii) Every language spoken by a population with limited English proficiency that, based on reliable data, constitutes either of the following:

(A) 3% or more of those served by a local office of a covered entity.

(B) Even if less than 3%, 500 or more of those served by a local office of a covered entity. Local offices are encouraged but not required to translate vital documents into other languages for populations of less than the 3% or 500 thresholds described in this subparagraph, based on knowledge of the local community served.

(d) Designating a language access liaison who will report to the officer or employee designated by the office of global Michigan as responsible for statewide language access coordination.

(e) Any additional means necessary to achieve meaningful language access to public services.

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37.23 Prohibition on charging for use of oral language services or translation.

Sec. 3.

A covered entity shall not charge individuals with limited English proficiency for the use of oral language services or translation.

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37.24 Biennial report to office of global Michigan on implementation of meaningful language access to public services.

Sec. 4.

Not less than every 2 years, each covered entity shall develop and submit to the office of global Michigan a report with information and plans concerning implementation of meaningful language access to its services. The report must include, but is not limited to, all of the following:

(a) The number of bilingual staff who are available to facilitate meaningful language access and the languages they facilitate.

(b) The number of bilingual staff determined to be needed for each language to provide meaningful language access for the population with limited English proficiency it serves.

(c) A plan to address any insufficiency in its ability to provide meaningful language access.

(d) A list of vital documents that it has had translated and the language of the translation.

(e) Designation of an employee as its language access coordinator.

(f) A staff training plan related to meaningful language access. The staff training plan must include specific information regarding implementation, including the specific types of language services available and how the covered entity will do all of the following:

(i) Obtain language services internally or from vendors.

(ii) Respond to callers with limited English proficiency.

(iii) Respond to written communications from individuals with limited English proficiency.

(iv) Respond to individuals with limited English proficiency who have in-person contact with staff.

(v) Ensure competency of interpreters and translation services.

(vi) Collect preferred language data for all unique public encounters.

(vii) Indicate limited English proficiency status in data and information systems.

(viii) Communicate information to the language access coordinator about perceived changes in language services needed by the population served and when that information will be communicated.

(g) A plan to increase public awareness of the services provided to facilitate meaningful language access.

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