

LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: NYS Office of Cannabis Management

Effective Date of Plan: October 1, 2024

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This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

| | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  | <p>The population with Limited English Proficiency (“LEP”) in our service area.</p> |
|  | <p>How we notify the public about language access services.</p> |
|  | <p>Our resources and methods for providing language access services.</p> |
|  | <p>How we train our staff to provide language access services to the public.</p> |




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|  | How we monitor language access services and respond to complaints. |
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PART 1 – Our Agency’s Services



We prepared this Language Access Plan (“Plan”) to comply with New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. This Plan explains how we make sure that people with Limited English Proficiency (“LEP”) have meaningful access to agency services, programs and activities.

In this Plan, individuals with LEP are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.

Our agency’s services to the public include:

- Patient and Caregiver Registration Assistance for the Medical Cannabis Program;
- License Application Assistance for Adult-Use and Cannabinoid Hemp Programs;
- Outreach and Education on the Office of Cannabis Management and the mission set forth in the Marijuana Regulation and Taxation Act (MRTA).



PART 2 – The Population with Limited English Proficiency in Our Service Area



The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among New Yorkers with limited English proficiency. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by individuals with LEP in New York State.

The top 12 languages spoken by individuals with LEP in New York State are:

| # | Language | Estimated Number of Speakers with LEP (ACS 2018-2022) |
|-----------|-----------------|--------------------------------------------------------------|
| 1 | Spanish | 1,198,032 |
| 2 | Chinese | 377,524 |
| 3 | Russian | 124,422 |
| 4 | Yiddish | 90,199 |
| 5 | Bangla | 74,342 |
| 6 | Haitian Creole | 51,947 |
| 7 | Korean | 48,581 |
| 8 | Arabic | 42,907 |
| 9 | Italian | 41,155 |
| 10 | French | 34,304 |
| 11 | Polish | 33,122 |
| 12 | Urdu | 29,983 |

New York’s language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the



Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:

At this time, OCM has not identified the need to add languages but will continue to monitor services, requests, and relevant information to reassess if needed.

Our agency tracks encounters of individuals with LEP in the following ways:

The Office of Cannabis Management tracks services provided to individuals with LEP using the current language services contracts we have in place. Language services are available for web-based, in-person, telephonic and written translation services.



PART 3 – Public Outreach About the Availability of Language Access Services

Our agency informs individuals with LEP about their right to free language assistance services in the following ways, using at least the top 12 languages shown in Part 2 of this Plan:

- Individuals with LEP are directly informed by our staff
 - In which ways?** Contact with the public occurs in the following forms: Level 2 call center transfers, in person outreach and education events, on-site inspections of licensees, board meetings and other third-party meetings with stakeholders.
- Signs posted about language assistance services
 - In areas operated by the agency and open to the public
 - Other (describe)
- Information is published on our agency’s website in at least the top 12 languages spoken by individuals with LEP in New York State
- Outreach and presentations at schools, faith-based groups, and other community organizations
 - What are the populations with LEP targeted?** Spanish



Local, non-English language media directed at individuals with LEP in their languages

What are the populations with LEP targeted? Spanish

Social media posts directed at individuals with LEP in their languages

What are the populations with LEP targeted? Spanish

Telephonic voice menu providing information in non-English languages

In which languages? Spanish is offered, and others are available once the individual reaches our call center via language interpretation services.

Other (describe)



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual has LEP, and what their primary language is:

“I Speak” posters or visual aids that provide information about free interpreting services in multiple languages

Reception staff make those determinations based on training and experience

Bilingual staff members, where available, assist in identifying the language of individuals with LEP

Other (describe)

On *telephone calls*, our agency uses the following tools to find out if an individual has LEP, and what their primary language is:

Reception staff make those determinations based on training and experience

Bilingual staff members, where available, assist in identifying the language of individuals with LEP



Telephonic interpreting service

Other (describe)

Our agency’s protocols for assessing whether an individual needs *oral interpreting services* in different service situations is as follows:

During office in-person encounters: We have not encountered this yet, however, OCM will follow the Language Access Training protocols to assist.

At initial contact in the field:

When speaking on the telephone: When OCM staff receive phone calls from the public that require interpretation services, they can choose between two interpretation contractors . They dial the number provided and indicate to the contractor what language is necessary. The interpreter then connects via a three-way phone call.

For pre-planned appointments of individuals with LEP: For stakeholder engagements we have had pre-registration and an ability to collect language access service needs. Where needed, OCM has worked with language access service contractors to provide services.

Other (describe):

Our agency records and maintains documentation of language assistance needs of individuals with LEP as follows:

Invoices containing the breakdown of languages interpreted are received from contractors and are retained on a shared drive.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

Bilingual staff members who work directly with individuals with LEP

Number of staff and languages spoken: OCM is working to document employee skill sets that may be beneficial, including staff who are bilingual. Currently we have several staff who are bilingual in Spanish/English.

Bilingual staff members who provide oral interpreting services on a volunteer basis



Number of staff and languages spoken: Multiple staff have assisted with Spanish interpretations, assisting with application instructions, outreach messaging and other content to raise awareness of agency missions.

- Telephonic interpreting service

Number of contractors and languages spoken: All OCM staff must complete the annual Language Access Training, which includes use of the secured contract. OCM contracts with Language Link, who offers over 240 languages and dialects.

- Contracts or other arrangements with school and community organizations

Number of contracts or other arrangements and languages spoken:

- Other (Describe)

Our agency protocols for informing individuals with LEP that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

- During office in-person encounters:** N/A thus far

At initial contact in the field: N/A thus far; but can utilize I Speak poster and utilize translation service contracts.

When speaking on the telephone: Translation services are offered immediately upon contact with the individual who presents as needing assistance due to limited English proficiency.

For pre-planned appointments of individuals with LEP: Registrations for events include an opportunity to request translation or interpretation services in advance.

- Other (describe):**

Our agency’s protocols for obtaining interpreting services in a timely manner is as follows:

OCM has contracts in place for in person, over the phone, video, and written translation services. Upon identifying a need, OCM will call on the services of the interpreter or schedule a time frame in which the services are required.

If an individual with LEP insists on having a family member, friend, or other person



interpret, our protocols for deciding whether to accept or decline such an arrangement is as follows:

Individuals with LEP that come into contact with our agency will be informed of the availability of free interpreting services. Generally, individuals with LEP may not have a family member, friend or a minor interpret. However, during emergencies, an individual with LEP may be permitted to have a minor, family member or friend interpret. Upon request, an individual with LEP may have a minor, family member or friend interpret for routine matters such as asking for location of the office; hours of operation or rescheduling an appointment. Where the interaction with the individual with LEP occurs at the agency’s office, and an individual is permitted to have an interpreter of their choosing, they must fill out a written consent/waiver form. Where an individual with LEP is engaged in official business with the agency, the agency will provide an independent interpreter at all times.

Our agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

All OCM staff have been provided written instructions and handouts detailing how to obtain interpreters when needed.

The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in the primary language of an individual with LEP
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

Our agency records and maintains documentation of oral interpreting services provided to individuals with LEP at each encounter. Our protocol in this regard is as follows:

Invoices are tracked for services provided. We are also working to establish procedures that will capture encounters where internal staff are able to provide the same services.



Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent¹ in the following ways:

When submitting a bid for interpretation services, contractors supplied OCM with a quality assurance detailing how each of their interpreters has been vetted and validated.

Staff who are bilingual are able to review produced documentation to confirm translation meets intent of the original documentation. Focus groups have been utilized to review media campaign content for messaging validation as well.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

The training provided to staff addresses the importance of confidentiality. Independent interpreters will enforce standards of confidentiality in accordance with NYS law.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents² that must be translated. This process is accomplished in the following ways:

A Language Access Workgroup will review all public documents prior to release to determine whether they are vital documents. The workgroup will also periodically review public documents to ensure they are properly designated.

¹ Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from:

https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

² Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.



Our agency’s process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

Documentation is reviewed by multiple staff in the unit, submitted to the contractor, and reviewed again for quality assurance. The lens used to review documentation to confirm acronyms are explained, terminology is understandable to non-industry stakeholders, when possible.

Our agency has the following resources available for translation of documents:

- Contractors for translation services

Number of contractors: One primary translation contractor with approximately over 50 languages available.

- Contracts or other arrangements with schools and community organizations

Names of schools/organizations:

- Translation of documents by bilingual staff members

- Other (describe)

The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide translations of documents
- Languages in which each translation service is qualified
- Procedures for accessing each translation service

Our agency translates documents that individuals with LEP submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

For documents received that are in Spanish, we are able to review the documentation using internal staff. At this time, we have not encountered additional requests, but

³ The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>



our procedure is to utilize contracts in place to have the contractor conduct translation services with the service level agreement terms of the contract.

The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated. Documents with an asterisk (*) are determined by the agency to be vital documents.

- *AR: Arabic*
- *BA: Bangla*
- *CH: Chinese*
- *FR: French*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *UR: Urdu*
- *YI: Yiddish*

| Form # | Name | Top 12 Languages | | | | | | | | | | | | Additional Languages |
|--------|---------------------------------------------------------------------|------------------|----|----|----|----|----|----|----|----|----|----|----|----------------------|
| | | AR | BA | CH | FR | HA | IT | KO | PO | RU | SP | UR | YI | |
| | Cannabis and Fentanyl: Facts and Unknowns | | | | | | | | | | | X | | |
| | The Guide to Safer Cannabis Consumption | | | | | | | | | | | X | | |
| | How to Read a Lab Certificate of Analysis for Your Cannabis Product | | | X | X | X | X | X | X | X | X | | | X |
| | Know Your Rights with | X | | X | | X | X | | X | X | | | | X |

| | | | | | | | | | | | | | | |
|------------------------------------------------------------------------------------|---|---|---|---|--|--|---|---|---|---|---|---|---|--|
| Cannabis Flyer | | | | | | | | | | | | | | |
| "Get the Facts" Wallet Card | | | x | | | | x | | x | x | x | x | | |
| How to Read a Cannabis Product's Label | | | x | | | | x | | x | | x | x | | |
| What Parents, Mentors, and Trusted Adults Need to Know About Cannabis | x | x | | x | | | x | x | | x | | | x | |
| Medical Cannabis Program: Cannabis 101 | x | x | | x | | | x | x | x | x | x | | x | |
| Cannabis Considerations for People who are Pregnant or Breastfeeding/Chest feeding | | | | x | | | | | | | | | | |
| What You Need to Know About the Legalization of Cannabis in New York | | | | | | | | | | | x | | | |
| What is in the Law about Cannabis: Social and Economic Equity | | | | | | | | | | | | | x | |

Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:

The LAC will meet quarterly with the Director of Administration to ensure compliance with the plan and Executive Law Section 202-a.

B. Complaints

We provide information to the public in at least the top 12 most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.

We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:

The standardized complaint forms, along with the procedures for filing a complaint, are available in all twelve languages in our public offices upon request. They are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top twelve languages on our website and in our offices in areas where it can be easily seen by the public.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

Complaints received are logged and follow-up is conducted specific to the complaint. If telephone services were provided without translation services, call records may be retrieved and reviewed to provide counseling or retraining of staff where needed. If the complaint is specific to documentation translations, or lack thereof, will result in a review of the status of document translations or availability.

All complaints must be timely forwarded to the Office of Language Access.

PART 7 – Signatures



Acting, Executive Director

11/20/2024

X _____

| Head of Agency | Title | Date |
|----------------|-------|------|
|----------------|-------|------|

X *Vanessa J. Cheeks*

| Agency LAC | Title | Date |
|------------|-------|------|
|------------|-------|------|

X _____

| Executive Director, NYS Office of Language Access | Date |
|---------------------------------------------------|------|
|---------------------------------------------------|------|