

STATE OF NEW YORK

9674

IN ASSEMBLY

January 31, 2018

Introduced by M. of A. DiPIETRO -- read once and referred to the Committee on Health

AN ACT to amend the correction law and the public health law, in relation to requiring the use of body imaging scanning in correctional facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The correction law is amended by adding a new section 138-b
2 to read as follows:

3 § 138-b. Body imaging scanners. Every correctional facility shall
4 require all visitors, personnel and employees of such correctional
5 facility to be scanned by body imaging scanning equipment in accordance
6 with subdivision six of section thirty-five hundred two of the public
7 health law before entering such correctional facility. For purposes of
8 this section "body imaging scanning equipment" shall have the same mean-
9 ing as defined in paragraph (d) of subdivision six of section thirty-
10 five hundred two of the public health law.

11 § 2. Section 3502 of the public health law is amended by adding a new
12 subdivision 6 to read as follows:

13 6. (a) Notwithstanding the provisions of this section or any other
14 provision of law, rule or regulation, licensed practitioners, persons
15 licensed under this article and unlicensed personnel employed at a
16 correctional facility may utilize body imaging scanning equipment for
17 purposes of screening persons committed to such facility, in connection
18 with the implementation of such facility's security program.

19 (b) Prior to establishing, maintaining or operating in a correctional
20 facility any body imaging scanning equipment, the chief administrative
21 officer of the facility shall ensure that such facility is in compliance
22 with otherwise applicable requirements consistent with this subdivision
23 for the registration, maintenance, operation and inspection of installa-
24 tion with radiation equipment.

25 (c)(i) Prior to operating body imaging scanning equipment, unlicensed
26 personnel employed at correctional facilities shall have successfully
27 completed a training course approved by the department, or in cities

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13517-01-7

1 with a population of one million or more, approved by the local health
2 department.

3 (ii) No person who operates or who is scanned by the body imaging
4 scanning equipment shall be exposed to more than fifty percent of the
5 annual exposure limits for manmade radiation as specified by applicable
6 regulations.

7 (d) For the purpose of this subdivision, "body imaging scanning equip-
8 ment" or "equipment" means equipment that utilizes a low dose of ioniz-
9 ing radiation to produce an anatomical image capable of detecting
10 objects placed on, attached to or secreted within a person's body.

11 (e) For the purposes of this subdivision, "correctional facility"
12 shall have the same meaning as defined in subdivision four of section
13 two of the correction law.

14 § 3. This act shall take effect on the ninetieth day after it shall
15 have become a law.