

STATE OF NEW YORK

6954

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

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

AN ACT to amend the public health law and the civil rights law, in relation to prohibiting the making and/or broadcasting of visual images of individuals undergoing medical treatment without prior written consent

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

1 Section 1. The public health law is amended by adding a new section
2 2806-c to read as follows:

3 § 2806-c. Restrictions on broadcasting of patients. 1. Every patient
4 in a health care facility in this state shall have the right to have
5 privacy in treatment and in caring for personal needs, including the
6 broadcasting of the recognizable image or speech of such patient
7 involved in a health care procedure within the confines of such facili-
8 ty, with the exception of broadcasting such image or speech for the
9 purposes of advancing the health care treatment of the individual, a
10 quality assurance program, the education or training of health care
11 personnel, or necessary security purposes.

12 2. Such privacy in treatment shall include the obtaining by the health
13 care facility of express written consent on a separate document used
14 solely for such purpose from an individual receiving treatment in such
15 facility prior to broadcasting the recognizable image or speech of such
16 patient involved in such treatment. In the case of broadcasting the
17 recognizable image or speech for education or training of health care
18 personnel, the patient shall have the right to know of and shall have
19 the right to refuse the broadcasting for that purpose. A person legally
20 authorized to make health care decisions for the patient or otherwise
21 authorized to consent may grant such consent or exercise such refusal if
22 the patient cannot reasonably do so due to such patient's incapacity.

23 3. For the purposes of this section:

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

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1 (a) "health care facility" shall mean a residential health care facil-
2 ity, general hospital, free-standing ambulatory care facility, diagnos-
3 tic and/or treatment center and clinic authorized under this article, or
4 within an ambulance with all doors closed operated by an ambulance
5 service as defined by subdivision two of section three thousand one of
6 this chapter or by a voluntary ambulance service as defined by subdivi-
7 sion three of section three thousand one of this chapter;

8 (b) "quality assurance" shall mean any evaluation of services provided
9 in or by a health care facility for purposes of improvement in safety,
10 quality or outcomes;

11 (c) "education or training of health care personnel" shall mean a
12 program of education or training of health care personnel or students
13 being educated or trained to be health care personnel, that the health
14 care facility has authorized;

15 (d) "broadcasting" of an image or speech shall mean transmission by
16 broadcast, cable, closed circuit, internet or other television or visual
17 medium, social media, or other system by which it can be viewed in
18 violation of the privacy rights and expectations of a patient. Provided
19 however, that broadcasting shall not include transmission of the image
20 or speech of an individual being treated, transported or otherwise cared
21 for or attended to by an ambulance service as defined in subdivision two
22 of section three thousand one of this chapter or by a voluntary ambu-
23 lance service as defined in subdivision three of section three thousand
24 one of this chapter, at an ambulance response scene, public area or
25 during delivery or admission to a health care facility, that is captured
26 by news media, bystanders or others who do not have the written consent
27 of such ambulance service or voluntary ambulance service.

28 (e) Nothing in this section shall apply where the recognizable image
29 or speech is produced by a news department or news division and is
30 broadcast or conveyed as part of a newscast, investigative news program
31 or news report in any electronic or printed form. This section shall not
32 apply to images or speech that has been obtained by professional jour-
33 nalists, newscasters or other individuals or entities recognized by
34 section seventy-nine-h of the civil rights law.

35 4. No health care facility, as defined in paragraph (a) of subdivision
36 three of this section, shall incur any liability under this section for
37 the broadcasting by a third party of the recognizable image or speech of
38 a patient involved in a health care procedure in the facility when such
39 image or speech was obtained by the third party without the knowledge or
40 consent of the facility or its staff.

41 5. Nothing in this section shall diminish or impair any right or reme-
42 dy otherwise applicable to any patient.

43 § 2. Section 50-c of the civil rights law, as amended by chapter 643
44 of the laws of 1999, is amended to read as follows:

45 § 50-c. Private right of action. 1. If the identity of the victim of
46 an offense defined in subdivision one of section fifty-b of this article
47 is disclosed in violation of such section, any person injured by such
48 disclosure may bring an action to recover damages suffered by reason of
49 such wrongful disclosure. In any action brought under this section, the
50 court may award reasonable attorney's fees to a prevailing plaintiff.

51 2. If the privacy of an individual as defined in section twenty-eight
52 hundred six-c of the public health law regarding the right to have
53 privacy in treatment and in caring for personal needs, including the
54 broadcasting of the recognizable image or speech of a patient involved
55 in a health care procedure in such a facility has been violated, such
56 individual or the individual's estate representative may bring an action

1 to recover damages suffered by reason of such violation. In any action
2 brought under this section, the court may award reasonable attorney's
3 fees to a prevailing plaintiff. The cause of action created herein shall
4 survive the death of such individual and shall only apply to violations
5 occurring on and after the effective date of this subdivision.

6 3. Nothing in this section shall diminish or impair any right or reme-
7 dy otherwise applicable to any patient.

8 § 3. This act shall take effect immediately.