

STATE OF NEW YORK

8054

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. BASKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to body scanners in state-operated facilities

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

- 1 Section 1. Subparagraphs (ii) and (iii) of paragraph (a), subpara-
2 graphs (i) and (iii) of paragraph (c), paragraph (e) and the opening
3 paragraph and subparagraph (ii) of paragraph (f) of subdivision 6 of
4 section 3502 of the public health law, as amended by section 1 of part
5 LL of chapter 56 of the laws of 2023, are amended to read as follows:
6 (ii) Notwithstanding the provisions of this section or any other
7 provision of law, rule or regulation to the contrary, licensed practi-
8 tioners, persons licensed under this article and unlicensed personnel
9 employed at a state correctional facility, a facility operated by the
10 office of mental health, the office for people with developmental disa-
11 bilities and the office of children and family services may, in a manner
12 permitted by the regulations promulgated pursuant to this subdivision,
13 utilize body imaging scanning equipment that applies ionizing radiation
14 to humans for purposes of screening individuals detained in, committed
15 to, visiting, or employed in such facility, in connection with the
16 implementation of such facility's security program.
17 (iii) The utilization of such body imaging scanning equipment shall be
18 in accordance with regulations promulgated by the department, or for
19 local correctional facilities in cities having a population of two
20 million or more, such utilization shall be in accordance with regu-
21 lations promulgated by the New York city department of health and mental
22 hygiene. The state commission of correction, in consultation with the
23 department of corrections and community supervision, shall promulgate
24 regulations establishing when body imaging scanning equipment will be
25 used to screen visitors and incarcerated individuals in state correc-

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

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1 tional facilities. The office of mental health, the office for people
2 with developmental disabilities and the office of children and family
3 services shall promulgate regulations establishing when body scanning
4 equipment will be used to screen visitors and clients in state operated
5 residential and other facilities operated by such agencies. Such regu-
6 lations shall include provisions establishing that alternative methods
7 of screening may be used to accommodate individuals who decline or are
8 unable to be screened by body imaging scanning equipment for medical
9 reasons and that alternative methods of screening may be used to accom-
10 modate individuals who decline to be screened for other reasons, unless
11 security considerations warrant otherwise. Such regulations shall also
12 ensure that no person shall be subjected to any form of harassment,
13 intimidation, or disciplinary action for choosing to be searched by an
14 alternative method of screening in lieu of body imaging scanning.

15 The department of corrections and community supervision shall promul-
16 gate regulations establishing when body imaging scanning equipment will
17 be used to screen employees of the department of corrections and commu-
18 nity supervision, provided, however that such regulations shall be
19 consistent with the policies and procedures of the department of
20 corrections and community supervision governing the search of employees.
21 Such regulations shall include provisions establishing that alternative
22 methods of screening may be used to accommodate individuals who decline
23 or are unable to be screened by body imaging scanning equipment for
24 medical or other reasons. Such regulations shall also ensure that no
25 person shall be subjected to any form of harassment, intimidation, or
26 disciplinary action for choosing to be searched by an alternative method
27 of screening in lieu of body imaging scanning. An employee's request to
28 be searched by an alternative method of screening in lieu of body imag-
29 ing scanning shall not, in itself, be grounds for disciplinary action
30 against such employee.

31 The office of mental health, the office for people with developmental
32 disabilities and the office of children and family services shall
33 promulgate regulations establishing when body imaging scanning equipment
34 will be used to screen employees, provided, however that such regu-
35 lations shall be consistent with the policies and procedures the office
36 of mental health, the office for people with developmental disabilities
37 and the office of children and family services governing the search of
38 employees. Such regulations shall include provisions establishing that
39 alternative methods of screening may be used to accommodate individuals
40 who decline or are unable to be screened by body imaging scanning equip-
41 ment for medical or other reasons. Such regulations shall also ensure
42 that no person shall be subjected to any form of harassment, intimid-
43 ation, or disciplinary action for choosing to be searched by an alter-
44 native method of screening in lieu of body imaging scanning. An employ-
45 ee's request to be searched by an alternative method of screening in
46 lieu of body imaging scanning shall not, in itself, be grounds for
47 disciplinary action against such employee.

48 (i) A requirement that prior to operating body imaging scanning equip-
49 ment, unlicensed personnel employed at state or local correctional
50 facilities or the office of mental health, the office for people with
51 developmental disabilities and the office of children and family
52 services authorized to use such equipment shall have successfully
53 completed a training course approved by the department or office, or for
54 local correctional facilities in cities of two million or more, approved
55 by the New York city department of health and mental hygiene, and that
56 such personnel receive additional training on an annual basis;

1 (iii) Registration with the department or office of each body imaging
2 scanning machine purchased or installed at a state or local correctional
3 facility or state-operated facility operated by the office of mental
4 health, the office for people with developmental disabilities and the
5 office of children and family services;

6 (e) For the purposes of this subdivision:

7 (i) "Local correctional facility" shall have the same meaning as found
8 in subdivision sixteen of section two of the correction law.

9 (ii) "State correctional facility" shall mean a "correctional facili-
10 ty" as defined in subdivision four of section two of the correction law.

11 (iii) "State-operated facilities" shall mean any facility operated by
12 the state pursuant to subdivision (b) of section 7.17, subdivisions six,
13 ten, seventeen, twenty-eight, twenty-eight-a, twenty-eight-b, thirty-
14 three or thirty-six of section 1.03 and subdivision (o) of section 10.03
15 of the mental hygiene law or sections five hundred four, five hundred
16 four-a or five hundred eight of the executive law.

17 Any local government agency that utilizes body imaging scanning equip-
18 ment in a local correctional facility under its jurisdiction shall
19 submit an annual report to the department, the speaker of the assembly,
20 and the temporary president of the senate. If body imaging scanning
21 equipment is utilized in one or more state correctional facilities, the
22 department of corrections and community supervision shall submit an
23 annual report to the department, the speaker of the assembly, and the
24 temporary president of the senate. If body imaging scanning equipment is
25 utilized in one or more state-operated facilities by the office of
26 mental health, the office for people with developmental disabilities and
27 the office of children and family services, such office shall submit an
28 annual report to the department, the speaker of the assembly, and the
29 temporary president of the senate. Such report by either the local
30 government agency or the department of corrections and community super-
31 vision, the office of mental health, the office for people with develop-
32 mental disabilities and the office of children and family services shall
33 be submitted within eighteen months after the initial date of registra-
34 tion of such equipment with the department, and annually thereafter, and
35 shall contain the following information as to each such facility:

36 (ii) For state correctional facilities, state-operated facilities
37 operated by the office of mental health, the office for people with
38 developmental disabilities and the office of children and family
39 services, the number of times the equipment was used on individuals
40 detained in, committed to, working in, or visiting the facility upon
41 intake, before work shift, after work shift, before visits, after
42 visits, and upon the suspicion of contraband, as well as any other event
43 that triggers the use of such equipment, and the average, median, and
44 highest number of times the equipment was used on any individual
45 detained in, committed to, working in, or visiting the facility, with
46 corresponding exposure levels.

47 § 2. This act shall take effect on the one hundred twentieth day after
48 it shall have become a law; provided, however, that the amendments to
49 subdivision 6 of section 3502 of the public health law made by section
50 one of this act shall not affect the repeal of such subdivision and
51 shall be deemed repealed therewith. Effective immediately, the addition,
52 amendment and/or repeal of any rule or regulation necessary for the
53 implementation of this act on its effective date are authorized to be
54 made and completed on or before such effective date.