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:

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

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

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

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

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

(c)(i) Prior to operating body imaging scanning equipment, unlicensed personnel employed at correctional facilities shall have successfully 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.

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

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

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

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

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