AN ACT to amend the public health law, in relation to requiring consent to perform a pelvic examination on an anesthetized or unconscious person

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

Section 1. The public health law is amended by adding a new section 2827 to read as follows:

§ 2827. Pelvic examinations on anesthetized or unconscious persons. No person shall perform a pelvic examination on an anesthetized or unconscious person unless:

1. such person receiving the pelvic examination gives prior verbal or written informed consent to the pelvic examination;
2. the performance of a pelvic examination is within the scope of care for the surgical procedure or diagnostic examination scheduled to be performed on such person receiving the pelvic examination; or
3. such person receiving the pelvic examination is unconscious and the pelvic examination is required for diagnostic purposes.

§ 2. This act shall take effect immediately.

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

LBD00866-01-9