

# STATE OF NEW YORK

8990--A

## IN ASSEMBLY

January 31, 2024

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the use of body imaging scanning equipment in local correctional 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) of subdivision  
2 6 of section 3502 of the public health law, as amended by section 1  
3 of part LL of chapter 56 of the laws of 2023, are amended to read as  
4 follows:

5 (ii) Notwithstanding the provisions of this section or any other  
6 provision of law, rule or regulation to the contrary, licensed practi-  
7 tioners, persons licensed under this article and unlicensed personnel  
8 employed at a state or local correctional facility may, in a manner  
9 permitted by the regulations promulgated pursuant to this subdivision,  
10 utilize body imaging scanning equipment that applies ionizing radiation  
11 to humans for purposes of screening individuals detained in, committed  
12 to, visiting, or employed in such facility, in connection with the  
13 implementation of such facility's security program.

14 (iii) The utilization of such body imaging scanning equipment shall be  
15 in accordance with regulations promulgated by the department, or for  
16 local correctional facilities in cities having a population of two  
17 million or more, such utilization shall be in accordance with regu-  
18 lations promulgated by the New York city department of health and mental  
19 hygiene. The state commission of correction, in consultation with the  
20 department of corrections and community supervision, shall promulgate  
21 regulations establishing when body imaging scanning equipment will be  
22 used to screen visitors and incarcerated individuals in state or local  
23 correctional facilities. Such regulations shall include provisions  
24 establishing that alternative methods of screening may be used to accom-  
25 modate individuals who decline or are unable to be screened by body

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

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1 imaging scanning equipment for medical reasons and that alternative  
2 methods of screening may be used to accommodate individuals who decline  
3 to be screened for other reasons, unless security considerations warrant  
4 otherwise. Such regulations shall also ensure that no person shall be  
5 subjected to any form of harassment, intimidation, or disciplinary  
6 action for choosing to be searched by an alternative method of screening  
7 in lieu of body imaging scanning.

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

24 § 2. Subparagraph (i) of paragraph (f) of subdivision 6 of section  
25 3502 of the public health law, as amended by section 1 of part LL of  
26 chapter 56 of the laws of 2023, is amended to read as follows:

27 (i) For local correctional facilities, the number of times the equip-  
28 ment was used on [~~incarcerated~~] individuals [~~upon intake, after visits,~~  
29 detained in, committed to, working in, or visiting the facility upon  
30 intake, before work shift, after work shift, before visits, after  
31 visits, and upon the suspicion of contraband, as well as any other event  
32 that triggers the use of such equipment, and the average, median, and  
33 highest number of times the equipment was used on any [~~incarcerated~~]  
34 individual detained in, committed to, working in, or visiting the facil-  
35 ity, with corresponding exposure levels; and

36 § 3. This act shall take effect immediately; provided however, that  
37 the amendments to subdivision 6 of section 3502 of the public health law  
38 made by sections one and two of this act shall not affect the repeal  
39 of such subdivision and shall be deemed repealed therewith. Effective  
40 immediately, the addition, amendment and/or repeal of any rule or regu-  
41 lation necessary for the implementation of this act on its effective  
42 date are authorized to be made and completed on or before such effective  
43 date.