STATE OF NEW YORK

10699

IN ASSEMBLY

March 20, 2026

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

AN ACT to amend the public health law and the correction law, in relation to body scanner procedures for employees and visitors at state and local correctional facilities

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

Section 1. Subdivision 6 of section 3502 of the public health law, as added by chapter 313 of the laws of 2018, subparagraph (i) of paragraph (a) as amended by chapter 486 of the laws of 2022, and subparagraphs (ii) and (iii) of paragraph (a), paragraph (b), subparagraphs (i), (ii), (iii), and (v) of paragraph (c), paragraph (e), and the opening paragraph and subparagraphs (i) and (ii) of paragraph (f) as amended by section 1 of part LL of chapter 56 of the laws of 2023, is amended to read as follows:

6. (a) **For the purpose of this subdivision:**

(i) "Body imaging scanning equipment", "equipment", and "body scanners" shall be equivalent and shall mean 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.

(ii) "Local correctional facility" shall have the same meaning as found in subdivision sixteen of section two of the correction law, and shall be applicable in this section to facilities that utilize body scanners.

(iii) "State correctional facility" shall mean a "correctional facility" as defined in subdivision four of section two of the correction law.

(iv) "Employee" shall mean any person who works in any capacity in a state correctional facility regardless of the identity of their employer, or any person who has a work-related reason to enter a local correctional facility.

(v)"Alternative search method" shall mean any procedure used to search an individual that has not already been utilized on such individual with regard to the individual's intended entry into a local correctional

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

LBD13689-05-6

facility or state correctional facility on any particular occasion. "Alternative search method" shall include, but not be limited to, body scanners, metal detectors, pat frisks, and canine searches.

(b) (i) Notwithstanding the provisions of this section or any other provision of law, rule or regulation to the contrary, licensed practitioners, persons licensed under this article and unlicensed personnel employed at a local correctional facility may, in a manner permitted by the regulations promulgated pursuant to this subdivision, utilize body imaging scanning equipment that applies ionizing radiation to humans for purposes of screening all individuals who seek to enter such facility and all incarcerated individuals detained in or committed to such facility, in [~~connection with~~] furtherance of the implementation of such facility's security program.

(ii) Notwithstanding the provisions of this section or any other provision of law, rule or regulation to the contrary, licensed practitioners, persons licensed under this article and unlicensed personnel employed at a state correctional facility may, in a manner permitted by the regulations promulgated pursuant to this subdivision, utilize body imaging scanning equipment that applies ionizing radiation to humans for purposes of screening all individuals who seek to enter such facility and all individuals detained in[~~,~~] or committed to[~~, visiting, or employed in~~] such facility, in [~~connection with~~] furtherance of the implementation of such facility's security program.

(iii) The utilization of such body imaging scanning equipment shall be in accordance with the provisions set forth in this section, and regulations promulgated by the department of corrections and community supervision, or for local correctional facilities in cities having a population of two million or more, such utilization shall be in accordance with the provisions set forth in this section and regulations promulgated by the New York city department of health and mental hygiene. The state commission of correction, in consultation with the department of corrections and community supervision, shall promulgate regulations establishing when body imaging scanning equipment will be used to screen [~~visitors~~] all individuals who seek to enter state correctional facilities, and incarcerated individuals in state correctional facilities. Such regulations shall include provisions establishing that: (A) alternative methods of screening may be used to accommodate individuals who [~~decline or~~] are unable to be screened by body imaging scanning equipment for medical reasons and that alternative methods of screening may be used to accommodate individuals who [~~decline~~] are unable to be screened for other reasons[~~, unless security considerations warrant otherwise. Such regulations shall also ensure that no person shall be subjected to any form of harassment, intimidation, or disciplinary action for choosing to be searched by an alternative method of screening in lieu of body imaging scanning.~~

~~The department of corrections and community supervision shall promulgate regulations establishing when body imaging scanning equipment will be used to screen employees of the department of corrections and community supervision, provided, however that such regulations shall be consistent with the policies and procedures of the department of corrections and community supervision governing the search of employees. Such regulations shall include provisions establishing that alternative methods of screening may be used to accommodate individuals who decline or are unable to be screened by body imaging scanning equipment for medical or other reasons. Such regulations shall also ensure that no person shall be subjected to any form of harassment, intimidation, or~~

~~disciplinary action for choosing to be searched by an alternative method of screening in lieu of body imaging scanning. An employee's request to be searched by an alternative method of screening in lieu of body imaging scanning shall not, in itself, be grounds for disciplinary action against such employee~~]; (B) all employees shall be screened upon entry to the facility by body imaging scanning or an alternative method of screening; (C) the department of corrections and community supervision and applicable local correctional facilities shall establish procedures regarding the daily use of available screening methods, which shall include a rotation of body scanners, metal detectors, pat frisks (with written consent), and canine searches, and shall establish protocols for which methods ought to be used for employees on various days at each facility and which shall include an equal rotation of all methods. The department of corrections and community supervision and local correctional facility shall randomize the rotation on a weekly basis and shall not publicize to employees in advance which method of screening will be used on a particular day; (D) if any employee fails their security screening and contraband is recovered, or refuses to utilize the search method assigned to them by the department of corrections and community supervision or local correctional facility, such employee shall not be permitted to enter the facility and shall be subject to discipline; (E) if an employee fails their security screening and contraband is recovered, or refuses to utilize the search method assigned to them by the department of corrections and community supervision or local correctional facility, the department of corrections and community supervision or local correctional facility shall ensure that the duties of the absent employee are performed for the absent employee's shift and establish steps to be taken upon the refusal or failure to pass the security screening.

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

[~~(c)~~] (d) The regulations promulgated pursuant to subparagraph [~~(ii)~~] (iii) of paragraph [~~(a)~~] (b) of this subdivision shall include, but not be limited to:

(i) A requirement that prior to operating body imaging scanning equipment, unlicensed personnel employed at state or local correctional facilities shall have successfully completed a training course approved by the department, or for local correctional facilities in cities of two million or more, approved by the New York city department of health and mental hygiene, and that such personnel receive additional training on an annual basis. All employees operating body scanners for the first six months shall require a second opinion from a supervisor trained in body scanners and the department of corrections and community supervision's or local correctional facility's visiting policies before denying an employee entrance to the facility, or before denying a visitor a contact visit or denying a visit;

(ii) The department of corrections and community supervision shall employ two full-time radiologists whose responsibilities shall be established by the department of corrections and community supervision and shall include, but not be limited to: (A) consulting with state facilities who allege that a visitor or employee's body scan image displays

contraband to confirm or deny such allegation, (B) training employees who are required to re-do their training under the provisions of this law, and (C) making recommendations to the state department on how to improve the use of body scans.

(iii) Limitations on exposure which shall be no more than fifty percent of the annual exposure limits for non-radiation workers as specified by applicable regulations, except that individuals under the age of eighteen [~~shall not be subject to more than five percent of such annual exposure limits,~~] and pregnant [~~women~~] individuals shall not be subject to such scanning at any time. Procedures for identifying pregnant [~~women~~] individuals shall be set forth in the regulations;

[~~(iii)~~] (iv) Registration with the department of each body imaging scanning machine purchased or installed at a state or local correctional facility;

[~~(iv)~~] (v) Inspection and regular reviews of the use of body imaging scanning equipment by the department or the New York city department of health and mental hygiene, as applicable; and

[~~(v)~~] (vi) A requirement that records be kept regarding each use of body imaging scanning equipment by the state or local correctional facility.

[~~(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:~~

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

~~(ii) "State correctional facility" shall mean a "correctional facility" as defined in subdivision four of section two of the correction law.~~

~~(f) Any local government agency that utilizes body imaging scanning equipment in a local correctional facility under its jurisdiction shall submit an annual report to the department, the speaker of the assembly, and the temporary president of the senate. If body imaging scanning equipment is utilized in one or more state correctional facilities, the department of corrections and community supervision shall submit an annual report to the department, the speaker of the assembly, and the temporary president of the senate. Such report by either the local government agency or the department of corrections and community supervision shall be submitted within eighteen months after the initial date of registration of such equipment with the department, and annually thereafter, and shall contain the following information as to each such facility:~~

~~(i) For local correctional facilities, the number of times the equipment was used on incarcerated individuals upon intake, after visits, and upon the suspicion of contraband, as well as any other event that triggers the use of such equipment, and the average, median, and highest number of times the equipment was used on any incarcerated individual, with corresponding exposure levels; and~~

~~(ii) For state correctional facilities, the number of times the equipment was used on individuals detained in, committed to, working in, or visiting the facility upon intake, before work shift, after work shift, before visits, after visits, and upon the suspicion of contraband, as well as any other event that triggers the use of such equipment, and the average, median, and highest number of times the equipment was used on any individual detained in, committed to, working in, or visiting the facility, with corresponding exposure levels.~~

~~(iii) the number of times the use of the equipment detected the presence of drug contraband, weapon contraband, and any other illegal or impermissible object or substance;~~

~~(iv) incidents or any injuries or illness resulting from the use of such equipment or reported by persons scanned by such equipment; and~~

~~(v) any other information the department may reasonably require.~~]

§ 2. The correction law is amended by adding a new section 138-c to read as follows:

§ 138-c. Body scanner procedures in state and local correctional facilities. 1. Definitions. For the purposes of this section:

(a) "Local correctional facility" shall have the same meaning as defined in subdivision sixteen of section two of this chapter.

(b) "State correctional facility" shall mean a "correctional facility" as defined in subdivision four of section two of this chapter.

(c) "Employee" shall mean any person who works in any capacity in a state correctional facility regardless of the identity of their employer, or any person who has a work-related reason to enter a local correctional facility.

(d) "Alternative search methods" means any procedure used to search an individual that has not already been utilized on such individual with regard to the individual's intended entry into a local correctional facility or state correctional facility on any particular occasion. "Alternative search method" includes, but is not limited to, body scanners, metal detectors, pat frisks (which shall require written consent), and/or canine searches (which shall not be utilized for individuals under the age of eighteen).

(e) "Menstrual product" means sanitary napkins, tampons, menstrual discs, and menstrual cups.

(f) "Contraceptive device" means intrauterine devices (IUDs) and contraceptive implants.

(g) "Unremovable religious item" means headwear, clothing, or jewelry that is against one's religious beliefs to remove from their person.

(h) "High-level employee" means the superintendent of the facility, facility administrative staff, sergeants, and lieutenants.

(i) "Contact visit" means on-site in-person visiting without the presence of physical barriers including glass, plexiglass dividers, walls, or any other barrier between the incarcerated individual and their visitor or visitors. Visits classified as contact visits allow for physical contact such as hand holding, hugs, and children being able to sit on their parents' lap during the visit.

(j) "Non-contact visit" means a visit between an incarcerated individual and a visitor in which there is a physical barrier and no physical contact is permitted.

(k) "Body imaging scanning equipment", "equipment", and "body scanners" shall be equivalent and shall mean 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.

2. Search conduct. Body scanner and pat frisk searches shall be conducted by a staff member of the same gender as the visitor or employee. If a search by a staff member of the same gender is not possible due to staffing capacity, the visitor or employee shall be offered an alternative search method. If the visitor clears an alternative search method, the visitor shall be permitted a contact visit and if the employee clears an alternative search method, the employee shall be permitted to enter the facility.

3. Recording of searches. In state correctional facilities, and local correctional facilities with body-worn and/or stationary cameras, all visitor and employee processing, including body scans and alternative search methods, shall be recorded with video and audio via activated body-worn cameras and/or stationary cameras. The department and applicable local correctional facilities shall preserve recordings of such body-worn and stationary cameras for at least ninety days or until a filed appeal is resolved.

4. Broken or malfunctioning body scanners. If a body scanner is broken or not functioning properly, alternative search methods shall be utilized. If a visitor clears alternative search methods, the visitor shall be permitted a contact visit and if an employee clears an alternative search method, the employee shall be permitted to enter the facility. In no instance shall the malfunctioning or damaged body scanner result in facility-wide cancelling of visits or defaulting to non-contact visits.

5. If a visitor or employee reaches the radiation exposure limits, such visitor or employee shall utilize alternative search methods. If the visitor clears alternative search methods, they shall be permitted a contact visit. If the employee clears alternative search methods, they shall be permitted to enter the facility. In no instance shall reaching the radiation exposure limits result in the cancelling of visits or defaulting to non-contact visits. Visitors and employees shall be notified at least two scans prior that they are approaching their radiation exposure limit.

6. Visitor body scanner procedures. If an employee of the department or local correctional facility alleges that a visitor's body scan image displays an alleged abnormality, the following procedures shall be followed in the following order:

(a) If the body scan of a visitor indicates an alleged abnormality, the visitor shall be informed where on their person the image is displaying such alleged abnormality, and the visitor shall be given the opportunity to address or remove such abnormality or any object that may wrongfully appear as an abnormality, unless the alleged abnormality on the scan is referring to a menstrual product, contraceptive device, medical implant or surgically necessary item, or unremovable religious item.

(b) Whether or not the visitor had an item to remove, if the visitor insists there is no contraband on their person, the visitor shall be given the opportunity to go through the body scanner a second time and shall be permitted a contact visit if the scan no longer indicates an alleged abnormality.

(c) If the employee reviewing the scan determines that the scan still indicates an alleged abnormality, but the visitor insists that they do not have contraband on their person, a trained high-level employee shall be required to immediately review the scans and the visitor shall be provided the opportunity to be interviewed by the high-level employee conducting the review. If a visitor provides a reasonable explanation for the abnormality appearing on the scan, and if no contraband is recovered, the visitor shall utilize alternative search methods. If the visitor passes the alternative search methods, a contact visit shall be permitted, where applicable. For the purposes of this paragraph, "reasonable explanations" shall include, but not be limited to, menstrual products, contraceptive or other medical devices, unremovable religious items, surgical or injury scars/scar tissue, and body markings, such as beauty marks or tattoos.

(d) If the department employee and supervisor determine that the scan is showing an alleged abnormality, but the visitor is unable to provide a reasonable explanation for the alleged anomaly and insists they do not have contraband on their person, the department shall contact the on-call radiologist for consultation within thirty minutes, and the final determination on whether or not the scan indicates an abnormality shall be made by the radiologist as quickly as possible and not later than ninety minutes after the initial call. If the radiologist determines that the scan indicates alleged contraband and a reasonable explanation is not provided by the visitor, the visit may be suspended for that day. If the radiologist determines that there is no abnormality on the scan, the visitor shall be permitted a contact visit.

(i) If the on-call radiologist is consulted, the supervisor shall contact the radiologist directly and away from the visitor processing area so as not to impede or decelerate the processing of other visitors.

(ii) If the on-call radiologist is not available within ninety minutes of the initial call for any reason, and for local correctional facilities without a radiologist, the visitor may utilize an alternative search method. If the visitor utilizes alternative search methods and there is an alleged abnormality, but no contraband has been recovered, a non-contact visit shall be permitted. If contraband is recovered, the visit may be denied.

(e) If contraband is recovered, or if a contact visit is denied for any other reason after protocols outlined in this section have been followed, the facility shall immediately provide a written notice to the visitor while such visitor is onsite and to the incarcerated individual whom the visitor was attempting to visit stating the reason for denying the contact visit, and, if applicable, where on the body any contraband was found.

(f) Video footage of the interaction taken by stationary or body-worn cameras and a copy of the body scan image shall be available at the request of the visitor and/or their lawyer if the visitor wishes to appeal the decision or appeal any additional suspension or limitation on visits. Such video footage shall be made available upon request within one week of the request by the visitor and/or their lawyer. All appeals, despite the length of the suspension or limitation on visits, shall be conducted through an appeals hearing, which shall take place within two weeks of the suspension unless the visitor and/or their lawyer requests an extension. Legal representation shall be permitted throughout the entirety of the appeals process.

7. Medical exemptions. If a visitor or employee has a medical condition that exempts them from utilizing the body scanner for health reasons, the visitor or employee may present documentation from a licensed medical provider to the department's central office or local correctional facility administration to be documented prior to their attempted entrance. If, at the time of attempted entrance, the visitor or employee has not yet presented documentation to the department or local correctional facility administration, the visitor or employee may present such documentation at the time of their visit as a one-time exception and shall subsequently be notified of the requirement to submit such documentation to the department or local correctional facility administration. When such documentation is provided, the visitor or employee may utilize alternative search methods and such visitor shall be permitted a contact visit and such employee shall be permitted entrance to the facility.

8. Employee discipline. If, through the appeals process, an employee is found to have wrongfully or unfairly denied visits or contact visits to a visitor or entry to an employee based on a body scan more than once, such employee shall be temporarily reassigned to another part of the facility while undergoing updated training on body scanner reading and processing. Once training is successfully completed, the employee may be reassigned to processing visits. If an employee is found to have engaged in a pattern of wrongfully or unfairly denying visits to a visitor or entry to an employee based on a body scan, such employee shall be permanently reassigned from visitor processing screening and shall be subject to discipline for misconduct.

9. Data and reporting. The department and any local correctional facilities that utilize body scanners shall submit a biannual report to the state commission of correction, the temporary president of the senate, and the speaker of the assembly. Such report shall be submitted within six months after the initial date of registration of body scanner equipment with the department or local correctional facility, and every six months thereafter, and shall contain the following information as to each such facility:

(a) the number of times body imaging scanning equipment was used on incarcerated individuals, employees, and visitors;

(b) for each category of person (incarcerated individual, employee, visitor), the number of times the use of the equipment detected the presence of drug contraband, weapon contraband, and any other illegal or impermissible object or substance as well as the number of times the use of an alternative search method detected the presence of drug contraband, weapon contraband, and any other illegal or impermissible object or substance, and a breakdown of what contraband items were identified and recovered;

(c) the number of employees subjected to discipline or criminal charges as a result of any such search methods and the results of any such disciplinary or criminal proceedings or actions, including whether any employee has been terminated from employment;

(d) incidents or any injuries or illness resulting from the use of such equipment or reported by persons scanned by such equipment;

(e) the number of appeals filed for denials of visits or contact visits, the outcomes of appeals proceedings, and the length of time between a visitor suspension and completion of an appeals proceeding;

(f) the number of times a supervisor is consulted for a second opinion on a body scan;

(g) the number of times the radiologist is consulted on a body scan, and the outcome of each consultation;

(h) the number of employees per facility who were required to re-train pursuant to this section; and

(i) any other information the department or local correctional facility may reasonably require.

10. Law to be posted. A copy of this law shall be conspicuously posted on the department's and local correctional facility's website and in the visitor processing area of each correctional facility and shall be visible to visitors and staff at all times in multiple languages.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law; provided, however that the amendments to subdivision 6 of section 3502 of the public health law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.