

STATE OF NEW YORK

8232--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health -- recommitted to the Committee on Health 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 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 and the office for people with developmental
11 disabilities may, in a manner permitted by the regulations promulgated
12 pursuant to this subdivision, utilize body imaging scanning equipment
13 that applies ionizing radiation to humans for purposes of screening
14 individuals detained in, committed to, visiting, or employed in such
15 facility, in connection with the implementation of such facility's secu-
16 rity 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

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

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

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

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

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

1 hygiene, and that such personnel receive additional training on an annu-
2 al basis;

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

7 (e) For the purposes of this subdivision:

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

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

12 (iii) "State-operated facilities" shall mean any facility operated by
13 the state pursuant to subdivision (b) of section 7.17, subdivisions six,
14 ten, seventeen, twenty-eight, twenty-eight-a, twenty-eight-b or thirty-
15 six of section 1.03 and subdivision (o) of section 10.03 of the mental
16 hygiene 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 and the office for people with developmental disabilities,
27 such office shall submit an annual report to the department, the speaker
28 of the assembly, and the temporary president of the senate. Such report
29 by either the local government agency or the department of corrections
30 and community supervision, the office of mental health and the office
31 for people with developmental disabilities shall be submitted within
32 eighteen months after the initial date of registration of such equipment
33 with the department, and annually thereafter, and shall contain the
34 following information as to each such facility:

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

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