

# STATE OF NEW YORK

8054--A

2025-2026 Regular Sessions

## IN SENATE

May 15, 2025

Introduced by Sens. BASKIN, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- 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

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

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

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

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

50 (i) A requirement that prior to operating body imaging scanning equip-  
51 ment, unlicensed personnel employed at state or local correctional  
52 facilities or the office of mental health and the office for people with  
53 developmental disabilities authorized to use such equipment shall have  
54 successfully completed a training course approved by the department or  
55 office, or for local correctional facilities in cities of two million or  
56 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.