

# STATE OF NEW YORK

8054--B

2025-2026 Regular Sessions

## IN SENATE

May 15, 2025

Introduced by Sens. BASKIN, HARCKHAM, 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 -- 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 secure treatment facility  
10 operated by the office of mental health or the office for people with  
11 developmental disabilities as defined in subdivision (o) of section  
12 10.03 of the mental hygiene law, or a forensic psychiatric center as  
13 referenced in section 7.17 of the mental hygiene law may, in a manner  
14 permitted by the regulations promulgated pursuant to this subdivision,  
15 utilize body imaging scanning equipment that applies ionizing radiation  
16 to humans for purposes of screening individuals detained in, committed  
17 to, visiting, or employed in such facility, in connection with the  
18 implementation of such facility's security program.  
19 (iii) The utilization of such body imaging scanning equipment shall be  
20 in accordance with regulations promulgated by the department, or for  
21 local correctional facilities in cities having a population of two  
22 million or more, such utilization shall be in accordance with regu-  
23 lations promulgated by the New York city department of health and mental

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

LBD11801-05-6

1 hygiene. The state commission of correction, in consultation with the  
2 department of corrections and community supervision, shall promulgate  
3 regulations establishing when body imaging scanning equipment will be  
4 used to screen visitors and incarcerated individuals in state correc-  
5 tional facilities. The office of mental health and the office for people  
6 with developmental disabilities shall promulgate regulations establish-  
7 ing when body scanning equipment will be used to screen visitors and  
8 clients in secure treatment facilities as defined in subdivision (o) of  
9 section 10.03 of the mental hygiene law and forensic psychiatric centers  
10 as referenced in section 7.17 of the mental hygiene law operated by such  
11 agencies. Such regulations shall include provisions establishing that  
12 alternative methods of screening may be used to accommodate individuals  
13 who decline or are unable to be screened by body imaging scanning equip-  
14 ment for medical reasons and that alternative methods of screening may  
15 be used to accommodate individuals who decline to be screened for other  
16 reasons, unless security considerations warrant otherwise. Such regu-  
17 lations shall also ensure that no person shall be subjected to any form  
18 of harassment, intimidation, or disciplinary action for choosing to be  
19 searched by an alternative method of screening in lieu of body imaging  
20 scanning.

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

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

53 (i) A requirement that prior to operating body imaging scanning equip-  
54 ment, unlicensed personnel employed at state or local correctional  
55 facilities or the office of mental health and the office for people with  
56 developmental disabilities authorized to use such equipment shall have

1 successfully completed a training course approved by the department or  
2 office, or for local correctional facilities in cities of two million or  
3 more, approved by the New York city department of health and mental  
4 hygiene, and that such personnel receive additional training on an annu-  
5 al basis;

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

10 (e) For the purposes of this subdivision:

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

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

15 (iii) "State-operated facilities" shall mean any secure treatment  
16 facility operated by the state pursuant to subdivision (o) of section  
17 10.03 of the mental hygiene law and any forensic psychiatric center as  
18 referenced in section 7.17 of the mental hygiene law.

19 Any local government agency that utilizes body imaging scanning equip-  
20 ment in a local correctional facility under its jurisdiction shall  
21 submit an annual report to the department, the speaker of the assembly,  
22 and the temporary president of the senate. If body imaging scanning  
23 equipment is utilized in one or more state correctional facilities, the  
24 department of corrections and community supervision shall submit an  
25 annual report to the department, the speaker of the assembly, and the  
26 temporary president of the senate. If body imaging scanning equipment is  
27 utilized in one or more state-operated facilities by the office of  
28 mental health and the office for people with developmental disabilities,  
29 such office shall submit an annual report to the department, the speaker  
30 of the assembly, and the temporary president of the senate. Such report  
31 by either the local government agency or the department of corrections  
32 and community supervision, the office of mental health and the office  
33 for people with developmental disabilities shall be submitted within  
34 eighteen months after the initial date of registration of such equipment  
35 with the department, and annually thereafter, and shall contain the  
36 following information as to each such facility:

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

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