

STATE OF NEW YORK

9333

2025-2026 Regular Sessions

IN ASSEMBLY

December 10, 2025

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

AN ACT to amend the public health law, in relation to authorizing body scanner utilization in the office of children and family services

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

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

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

20 (ii) Notwithstanding the provisions of this section or any other
21 provision of law, rule or regulation to the contrary, licensed practi-
22 tioners, persons licensed under this article and unlicensed personnel
23 employed at a state correctional facility or facility for youth placed
24 with or committed to the office of children and family services may, in
25 a manner permitted by the regulations promulgated pursuant to this

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

LBD14112-01-5

1 subdivision, utilize body imaging scanning equipment that applies ioniz-
2 ing radiation to humans for purposes of screening individuals detained
3 in, committed to, visiting, or employed in such facility, in connection
4 with the implementation of such facility's security program.

5 (iii) The utilization of such body imaging scanning equipment shall be
6 in accordance with regulations promulgated by the department, or for
7 local correctional facilities in cities having a population of two
8 million or more, such utilization shall be in accordance with regu-
9 lations promulgated by the New York city department of health and mental
10 hygiene. The state commission of correction, in consultation with the
11 department of corrections and community supervision and the office of
12 children and family services, shall promulgate regulations establishing
13 when body imaging scanning equipment will be used to screen visitors and
14 [~~incarcerated~~] individuals detained in or committed to state correction-
15 al facilities, secure or specialized secure detention facilities, or
16 facilities for youth placed with or committed to the office of children
17 and family services. Such regulations shall include provisions estab-
18 lishing that alternative methods of screening may be used to accommodate
19 individuals who decline or are unable to be screened by body imaging
20 scanning equipment for medical reasons and that alternative methods of
21 screening may be used to accommodate individuals who decline to be
22 screened for other reasons, unless security considerations warrant
23 otherwise. Such regulations shall also ensure that no person shall be
24 subjected to any form of harassment, intimidation, or disciplinary
25 action for choosing to be searched by an alternative method of screening
26 in lieu of body imaging scanning.

27 The department of corrections and community supervision and the office
28 of children and family services shall promulgate regulations establish-
29 ing when body imaging scanning equipment will be used to screen employ-
30 ees of the department of corrections and community supervision and the
31 office of children and family services, provided, however that such
32 regulations shall be consistent with the policies and procedures of the
33 department of corrections and community supervision and the office of
34 children and family services governing the search of employees. Such
35 regulations shall include provisions establishing that alternative meth-
36 ods of screening may be used to accommodate individuals who decline or
37 are unable to be screened by body imaging scanning equipment for medical
38 or other reasons. Such regulations shall also ensure that no person
39 shall be subjected to any form of harassment, intimidation, or discipli-
40 nary action for choosing to be searched by an alternative method of
41 screening in lieu of body imaging scanning. An employee's request to be
42 searched by an alternative method of screening in lieu of body imaging
43 scanning shall not, in itself, be grounds for disciplinary action
44 against such employee.

45 (b) Prior to establishing, maintaining or operating any body imaging
46 scanning equipment in a state or local correctional facility, [~~any body~~
47 ~~imaging scanning equipment~~] secure or specialized secure detention
48 facility, or facility for youth placed with or committed to the office
49 of children and family services, the chief administrative officer of the
50 facility shall ensure that such facility is in compliance with the regu-
51 lations promulgated pursuant to this subdivision and otherwise applica-
52 ble requirements for the installation, registration, maintenance, opera-
53 tion and inspection of body imaging scanning equipment.

54 (c) The regulations promulgated pursuant to subparagraph (ii) of para-
55 graph (a) of this subdivision shall include, but not be limited to:

1 (i) A requirement that prior to operating body imaging scanning equip-
2 ment, unlicensed personnel employed at state or local correctional
3 facilities, secure or specialized secure detention facilities, or facil-
4 ities for youth placed with or committed to the office of children and
5 family services shall have successfully completed a training course
6 approved by the department, or for local correctional facilities in
7 cities of two million or more, approved by the New York city department
8 of health and mental hygiene, and that such personnel receive additional
9 training on an annual basis;

10 (ii) Limitations on exposure which shall be no more than fifty percent
11 of the annual exposure limits for non-radiation workers as specified by
12 applicable regulations, except that individuals under the age of eigh-
13 teen shall not be subject to more than five percent of such annual expo-
14 sure limits, and pregnant women shall not be subject to such scanning at
15 any time. Procedures for identifying pregnant women shall be set forth
16 in the regulations;

17 (iii) Registration with the department of each body imaging scanning
18 machine purchased or installed at a state or local correctional
19 facility, secure or specialized secure detention facility, or facility
20 for youth placed with or committed to the office of children and family
21 services;

22 (iv) Inspection and regular reviews of the use of body imaging scan-
23 ning equipment by the department or the New York city department of
24 health and mental hygiene, as applicable; and

25 (v) A requirement that records be kept regarding each use of body
26 imaging scanning equipment by the state or local correctional facility,
27 secure or specialized secure detention facility, or facility for youth
28 placed with or committed to the office of children and family services.

29 (d) For the purpose of this subdivision, "body imaging scanning equip-
30 ment" or "equipment" means equipment that utilizes a low dose of ioniz-
31 ing radiation to produce an anatomical image capable of detecting
32 objects placed on, attached to or secreted within a person's body.

33 (e) For the purposes of this subdivision:

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

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

38 (iii) "Secure detention facility" shall mean a secure detention facil-
39 ity certified by the office of children and family services pursuant to
40 section five hundred three of the executive law.

41 (iv) "Specialized secure detention facility" shall mean a facility for
42 adolescent offenders certified by the office of children and family
43 services in consultation with the state commission of correction pursu-
44 ant to subdivision nine of section five hundred three of the executive
45 law.

46 (v) "Facility for youth placed with or committed to the office of
47 children and family services" shall mean a facility operated pursuant to
48 section five hundred four of the executive law.

49 (f) Any local government agency that utilizes body imaging scanning
50 equipment in a local correctional, or secure or specialized secure
51 detention facility under its jurisdiction shall submit an annual report
52 to the department, the speaker of the assembly, and the temporary presi-
53 dent of the senate. If body imaging scanning equipment is utilized in
54 one or more state correctional facilities or facilities for youth placed
55 with or committed to the office of children and family services, the
56 department of corrections and community supervision or the office of

1 children and family services, as applicable, shall submit an annual
2 report to the department, the speaker of the assembly, and the temporary
3 president of the senate. Such report by [~~either~~] the local government
4 agency [~~or~~], the department of corrections and community supervision or
5 the office of children and family services shall be submitted within
6 eighteen months after the initial date of registration of such equipment
7 with the department, and annually thereafter, and shall contain the
8 following information as to each such facility:

9 (i) [~~For~~] for local correctional facilities, the number of times the
10 equipment was used on incarcerated individuals, or for secure or
11 specialized secure detention facilities, the number of times the equip-
12 ment was used on individuals placed with, committed to, visiting or
13 employed in such facility, upon intake, after visits, and upon the
14 suspicion of contraband, as well as any other event that triggers the
15 use of such equipment, and the average, median, and highest number of
16 times the equipment was used on any [~~incarcerated~~] such individual, with
17 corresponding exposure levels; [~~and~~]

18 (ii) [~~For~~] for state correctional facilities or facilities for youth
19 placed with or committed to the office of children and family services,
20 the number of times the equipment was used on individuals detained in,
21 committed to, working in, or visiting the facility upon intake, before
22 work shift, after work shift, before visits, after visits, and upon the
23 suspicion of contraband, as well as any other event that triggers the
24 use of such equipment, and the average, median, and highest number of
25 times the equipment was used on any individual detained in, committed
26 to, working in, or visiting the facility, with corresponding exposure
27 levels[~~+~~];

28 (iii) the number of times the use of the equipment detected the pres-
29 ence of drug contraband, weapon contraband, and any other illegal or
30 impermissible object or substance;

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

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

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