STATE OF NEW YORK

8054

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. BASKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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:

Section 1. Subparagraphs (ii) and (iii) of paragraph (a), subparagraphs (i) and (iii) of paragraph (c), paragraph (e) and the opening paragraph and subparagraph (ii) of paragraph (f) of subdivision 6 of section 3502 of the public health law, as amended by section 1 of part LL of chapter 56 of the laws of 2023, are amended to read as follows:

(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**, a facility operated by the office of mental health, the office for people with developmental disabilities and the office of children and family services** 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 individuals detained in, committed to, visiting, or employed in such facility, in connection with the implementation of such facility's security program.

(iii) The utilization of such body imaging scanning equipment shall be in accordance with regulations promulgated by the department, or for local correctional facilities in cities having a population of two million or more, such utilization shall be in accordance with 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 and incarcerated individuals in state correc-

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

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tional facilities. **The office of mental health, the office for people with developmental disabilities and the office of children and family services shall promulgate regulations establishing when body scanning equipment will be used to screen visitors and clients in state operated residential and other facilities operated by such agencies.** 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 reasons and that alternative methods of screening may be used to accommodate individuals who decline 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.

The office of mental health, the office for people with developmental disabilities and the office of children and family services shall promulgate regulations establishing when body imaging scanning equipment will be used to screen employees, provided, however that such regulations shall be consistent with the policies and procedures the office of mental health, the office for people with developmental disabilities and the office of children and family services 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.

(i) A requirement that prior to operating body imaging scanning equipment, unlicensed personnel employed at state or local correctional facilities **or the office of mental health, the office for people with developmental disabilities and the office of children and family services authorized to use such equipment** shall have successfully completed a training course approved by the department **or office**, 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;

(iii) Registration with the department **or office** of each body imaging scanning machine purchased or installed at a state or local correctional facility **or state-operated facility operated by the office of mental health, the office for people with developmental disabilities and the office of children and family services**;

(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.

(iii) "State-operated facilities" shall mean any facility operated by the state pursuant to subdivision (b) of section 7.17, subdivisions six, ten, seventeen, twenty-eight, twenty-eight-a, twenty-eight-b, thirty-three or thirty-six of section 1.03 and subdivision (o) of section 10.03 of the mental hygiene law or sections five hundred four, five hundred four-a or five hundred eight of the executive law.

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. **If body imaging scanning equipment is utilized in one or more state-operated facilities by the office of mental health, the office for people with developmental disabilities and the office of children and family services, such office 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**, the office of mental health, the office for people with developmental disabilities and the office of children and family services** 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:

(ii) For state correctional facilities**, state-operated facilities operated by the office of mental health, the office for people with developmental disabilities and the office of children and family services**, 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.

§ 2. This act shall take effect on the one hundred twentieth 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. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.