

STATE OF NEW YORK

8963

IN SENATE

January 21, 2026

Introduced by Sen. SKOUFIS -- 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 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
26 subdivision, utilize body imaging scanning equipment that applies ioniz-
27 ing radiation to humans for purposes of screening individuals detained

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

LBD14112-01-5

1 in, committed to, visiting, or employed in such facility, in connection
2 with the implementation of such facility's security program.

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

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

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

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

54 (i) A requirement that prior to operating body imaging scanning equip-
55 ment, unlicensed personnel employed at state or local correctional
56 facilities, secure or specialized secure detention facilities, or facil-

1 ities for youth placed with or committed to the office of children and
2 family services shall have successfully completed a training course
3 approved by the department, or for local correctional facilities in
4 cities of two million or more, approved by the New York city department
5 of health and mental hygiene, and that such personnel receive additional
6 training on an annual basis;

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

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

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

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

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

30 (e) For the purposes of this subdivision:

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

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

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

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

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

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

1 agency [~~or~~], the department of corrections and community supervision or
2 the office of children and family services shall be submitted within
3 eighteen months after the initial date of registration of such equipment
4 with the department, and annually thereafter, and shall contain the
5 following information as to each such facility:

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

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

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

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

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

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