



Department of Health

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Executive Deputy Commissioner

July 21, 2026

DHDTTC DAL #: 26-08
Sexual Offense Evidence Collection and Reporting

Dear Chief Executive Officer:

This guidance supersedes [guidance issued May 7, 2021 \(DAL 21-03\)](#) to inform general hospitals including critical access hospitals and rural emergency hospitals about a statutory revision to the law requiring hospitals to maintain sexual offense evidence.

A recent amendment to New York Public Health Law (PHL) Section 2805-i(2) changes the requirements for sexual offense evidence collected and reported by hospitals through the statewide electronic tracking system. **The changes will take effect June 19, 2026.**

Please be advised of the following changes to the sexual offense evidence collection kit (evidence collection kit) tracking process, the timeframe for retrieval by law enforcement officials, and the handling of reported and unreported evidence collection kits:

- New York PHL § 2805-i(2)(d) clarifies that law enforcement must transfer sexual offense evidence that is reported to law enforcement but for which consent is later withdrawn to OVS for long-term storage.
- New York PHL § 2805-i(2)(j) now requires that when the alleged sexual offense victim gives permission to release the evidence to law enforcement, the hospital must record the collection of such evidence in the electronic tracking system and notify the appropriate law enforcement agency with 48 hours, and law enforcement must retrieve a evidence collection kit from a hospital within 10 days of notification by the hospital.
- New York PHL § 2805-i(8) to: (1) specify that unreported evidence collection kits released by OVS to law enforcement must be designated as reported evidence collection kits subject to tracking requirements; (2) include hospitals within the tracking system requirements; and (3) define “reported evidence collection kits” and “unreported evidence collection kits.”

The establishment of clear responsibilities and timelines for all parties involved, including establishing a standard protocol and timeframe for law enforcement to retrieve and deliver the evidence collection kit to a laboratory, prevents evidence collection kits from getting mishandled or misplaced. Incorporating hospitals into the statewide tracking system enables comprehensive oversight of the evidence collection kit from its inception, ensuring that no evidence collection kits are missed or unrecorded. In addition, including hospitals in the system for updating and tracking the status and

location of the evidence collection kits helps maintain the continuity and integrity of the evidence, which is crucial for legal proceedings.

As a reminder, every hospital in New York State is required to provide care to all sexual assault victims and must provide sexual assault victims a copy of the “New York State Sexual Assault Victim Bill of Rights.”

Please also note that this notification does not include changes that will take effect May 9, 2027, under New York PHL Section 2805-i(1).

If you have any questions regarding this guidance, please contact hospinfo@health.ny.gov

Sincerely,

Stephanie Shulman, DrPH, MS
Director, Division of Hospitals and
Diagnostic & Treatment Centers

Additional Links:

OVS: [Office of Victim Services Home Page | Office of Victim Services](#)

Sexual Assault Forensic Examiner Program: www.health.ny.gov/professionals/safe/

New York State Sexual Assault Victim Bill of Rights: www.health.ny.gov/publications/1934.pdf

*Available in 12 other languages on the SAFE Program website above.