A BILL FOR AN ACT

CONCERNING THE PREVENTION OF HUMAN EXPOSURE TO SURGICAL SMOKE DURING SURGERY AT CERTAIN LICENSED HEALTH CARE FACILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill requires hospitals with surgical services and ambulatory surgical centers to adopt a policy to prevent human exposure to surgical smoke. Surgical smoke is a gaseous byproduct produced by energy-generating surgical medical devices. On or before March 1, 2019, the Colorado department of public health and environment shall
promulgate rules regarding requirements for surgical smoke evacuation policies. A policy adopted in accordance with the bill applies to surgical procedures performed on or after July 1, 2019.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 25-3-118 as follows:

25-3-118. Regulation of surgical smoke - requirement to adopt a policy - rules - definitions - applicability. (1) On or before July 1, 2019, a hospital with surgical services or an ambulatory surgical center, licensed in accordance with this article 3, shall adopt a policy to prevent human exposure to surgical smoke. The policy must include the requirement to use a surgical smoke evacuation system whenever a procedure generates surgical smoke.

(2) On or before March 1, 2019, the department shall adopt rules establishing requirements for surgical smoke evacuation policies and to otherwise ensure compliance with the requirements of this section.

(3) As used in this section:

(a) "Surgical smoke" means the gaseous byproduct produced by energy-generating devices including surgical plume, smoke plume, bio-aerosols, laser-generated airborne contaminants, or lung-damaging dust.

(b) "Surgical smoke evacuation system" means smoke evacuators, laser plume evacuators, plume scavengers, or local exhaust ventilators that capture and neutralize surgical smoke at the site of origin and before surgical smoke can make
SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to all surgical procedures in hospitals and ambulatory surgical centers performed on or after July 1, 2019.