

# An Act

HOUSE BILL 19-1041

BY REPRESENTATIVE(S) Buckner, Caraveo, Cutter, Duran, Esgar, Galindo, Gonzales-Gutierrez, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, Melton, Michaelson Jenet, Mullica, Snyder, Titone, Weissman, Becker;  
also SENATOR(S) Rodriguez, Crowder, Ginal, Gonzales, Todd, Winter.

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

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

**SECTION 1.** In Colorado Revised Statutes, add 25-3-120 as follows:

**25-3-120. Regulation of surgical smoke - requirement to adopt a policy - definitions - applicability.** (1) ON OR BEFORE MAY 1, 2021, EACH HOSPITAL WITH SURGICAL SERVICES AND EACH AMBULATORY SURGICAL CENTER, LICENSED IN ACCORDANCE WITH THIS ARTICLE 3, SHALL ADOPT AND IMPLEMENT A POLICY THAT PREVENTS HUMAN EXPOSURE TO SURGICAL SMOKE VIA THE USE OF A SURGICAL SMOKE EVACUATION SYSTEM DURING ANY PLANNED SURGICAL PROCEDURE THAT IS LIKELY TO GENERATE SURGICAL SMOKE.

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(2) AS USED IN THIS SECTION:

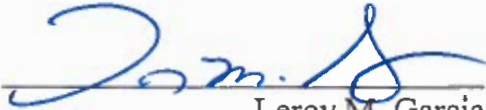
(a) "SURGICAL SMOKE" MEANS THE GASEOUS BY-PRODUCT PRODUCED BY ENERGY-GENERATING DEVICES INCLUDING SURGICAL PLUME, SMOKE PLUME, BIO-AEROSOLS, LASER-GENERATED AIRBORNE CONTAMINANTS, OR LUNG-DAMAGING DUST.


(b) "SURGICAL SMOKE EVACUATION SYSTEM" MEANS EQUIPMENT DESIGNED TO CAPTURE AND NEUTRALIZE SURGICAL SMOKE AT THE POINT OF ORIGIN AND BEFORE THE SURGICAL SMOKE MAKES CONTACT WITH THE EYES OR THE RESPIRATORY TRACT OF THE OCCUPANTS OF A ROOM.

**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 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 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 May 1, 2021.

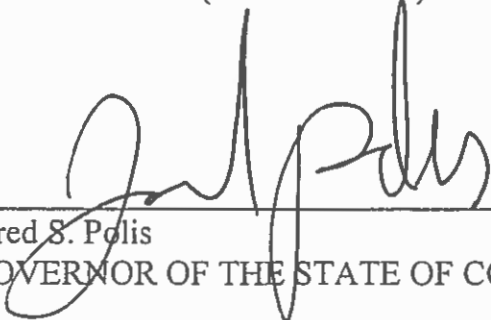
  
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KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

  
\_\_\_\_\_  
Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

  
\_\_\_\_\_  
Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

  
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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED March 28, 2019 at 3:14 p.m.  
(Date and Time)

  
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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO