

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1239.01 Kip Kolkmeier x4510

HOUSE BILL 18-1399

HOUSE SPONSORSHIP

Buckner,

SENATE SPONSORSHIP

Aguilar,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PREVENTION OF HUMAN EXPOSURE TO SURGICAL**
102 **SMOKE DURING SURGERY AT CERTAIN LICENSED HEALTH CARE**
103 **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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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.

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

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

4 **25-3-118. Regulation of surgical smoke - requirement to adopt**
5 **a policy - rules - definitions - applicability.** (1) ON OR BEFORE JULY 1,
6 2019, A HOSPITAL WITH SURGICAL SERVICES OR AN AMBULATORY
7 SURGICAL CENTER, LICENSED IN ACCORDANCE WITH THIS ARTICLE 3,
8 SHALL ADOPT A POLICY TO PREVENT HUMAN EXPOSURE TO SURGICAL
9 SMOKE. THE POLICY MUST INCLUDE THE REQUIREMENT TO USE A SURGICAL
10 SMOKE EVACUATION SYSTEM WHENEVER A PROCEDURE GENERATES
11 SURGICAL SMOKE.

12 (2) ON OR BEFORE MARCH 1, 2019, THE DEPARTMENT SHALL
13 ADOPT RULES ESTABLISHING REQUIREMENTS FOR SURGICAL SMOKE
14 EVACUATION POLICIES AND TO OTHERWISE ENSURE COMPLIANCE WITH THE
15 REQUIREMENTS OF THIS SECTION.

16 (3) AS USED IN THIS SECTION:

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

21 (b) "SURGICAL SMOKE EVACUATION SYSTEM" MEANS SMOKE
22 EVACUATORS, LASER PLUME EVACUATORS, PLUME SCAVENGERS, OR LOCAL
23 EXHAUST VENTILATORS THAT CAPTURE AND NEUTRALIZE SURGICAL
24 SMOKE AT THE SITE OF ORIGIN AND BEFORE SURGICAL SMOKE CAN MAKE

1 OCULAR OR RESPIRATORY CONTACT.

2 **SECTION 2. Act subject to petition - effective date -**

3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly (August 8, 2018, if adjournment sine die is on May 9,
6 2018); except that, if a referendum petition is filed pursuant to section 1
7 (3) of article V of the state constitution against this act or an item, section,
8 or part of this act within such period, then the act, item, section, or part
9 will not take effect unless approved by the people at the general election
10 to be held in November 2018 and, in such case, will take effect on the
11 date of the official declaration of the vote thereon by the governor.

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