

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0575.01 Richard Sweetman x4333

HOUSE BILL 19-1041

HOUSE SPONSORSHIP

Buckner,

SENATE SPONSORSHIP

Rodriguez,

House Committees
Health & Insurance

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 each hospital with surgical services and each ambulatory surgical center to adopt and implement on or before May 1, 2021, a policy that requires the elimination of surgical smoke via the use of a surgical smoke evacuation system during any surgical procedure that is likely to generate surgical smoke. Surgical smoke is a gaseous

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.

by-product produced by energy-generating surgical medical devices.

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

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

4 **25-3-120. Regulation of surgical smoke - requirement to adopt**
5 **a policy - definitions - applicability.** (1) ON OR BEFORE MAY 1, 2021,
6 EACH HOSPITAL WITH SURGICAL SERVICES AND EACH AMBULATORY
7 SURGICAL CENTER, LICENSED IN ACCORDANCE WITH THIS ARTICLE 3,
8 SHALL ADOPT AND IMPLEMENT A POLICY THAT **PREVENTS HUMAN**
9 **EXPOSURE TO** SURGICAL SMOKE VIA THE USE OF A SURGICAL SMOKE
10 EVACUATION SYSTEM DURING ANY **PLANNED** SURGICAL PROCEDURE THAT
11 IS LIKELY TO GENERATE SURGICAL SMOKE.

12 (2) AS USED IN THIS SECTION:

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

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

21 **SECTION 2. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 2, 2019, if adjournment sine die is on May 3,
25 2019); except that, if a referendum petition is filed pursuant to section 1

1 (3) of article V of the state constitution against this act or an item, section,
2 or part of this act within such period, then the act, item, section, or part
3 will not take effect unless approved by the people at the general election
4 to be held in November 2020 and, in such case, will take effect on the
5 date of the official declaration of the vote thereon by the governor.

6 (2) This act applies to all surgical procedures in hospitals and
7 ambulatory surgical centers performed on or after May 1, 2021.