

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0575.01 Richard Sweetman x4333

HOUSE BILL 19-1041

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HOUSE SPONSORSHIP

**Buckner,**

SENATE SPONSORSHIP

**(None),**

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**House Committees**  
Health & Insurance

**Senate Committees**

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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.

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**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.

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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 REQUIRES THE ELIMINATION  
9 OF SURGICAL SMOKE VIA THE USE OF A SURGICAL SMOKE EVACUATION  
10 SYSTEM DURING ANY SURGICAL PROCEDURE THAT IS LIKELY TO GENERATE  
11 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 THAT EFFECTIVELY CAPTURES AND NEUTRALIZES SURGICAL SMOKE AT THE  
19 POINT OF ORIGIN AND BEFORE THE SURGICAL SMOKE MAKES CONTACT  
20 WITH THE EYES OR THE RESPIRATORY TRACT OF THE OCCUPANTS OF A  
21 ROOM.

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

1 2019); except that, if a referendum petition is filed pursuant to section 1  
2 (3) of article V of the state constitution against this act or an item, section,  
3 or part of this act within such period, then the act, item, section, or part  
4 will not take effect unless approved by the people at the general election  
5 to be held in November 2020 and, in such case, will take effect on the  
6 date of the official declaration of the vote thereon by the governor.

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