

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 19-0575.01 Richard Sweetman x4333

**HOUSE BILL 19-1041**

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**HOUSE SPONSORSHIP**

**Buckner,**

**SENATE SPONSORSHIP**

**Rodriguez,**

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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.

HOUSE  
Amended 2nd Reading  
January 25, 2019

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 **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.