

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

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.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO