

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0575.01 Richard Sweetman x4333

HOUSE BILL 19-1041

HOUSE SPONSORSHIP

Buckner, Becker, Caraveo, Cutter, Duran, Esgar, Galindo, Gonzales-Gutierrez, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, Melton, Michaelson Jenet, Mullica, Snyder, Titone, Weissman

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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.**

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.

SENATE
3rd Reading Unamended
March 14, 2019

SENATE
2nd Reading Unamended
March 13, 2019

HOUSE
3rd Reading Unamended
January 28, 2019

HOUSE
Amended 2nd Reading
January 25, 2019

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.