

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **26-21-36** is enacted to read:

28 **26-21-36. Surgical smoke evacuation.**

29 (1) As used in this section:

30 (a) "Smoke evacuation policy" means a policy to mitigate risks to any occupant in a
31 surgical suite from ocular or respiratory exposure to surgical smoke by using a surgical smoke
32 evacuation system for each planned surgical procedure that is likely to generate surgical smoke.

33 (b) "Surgical smoke" means the gaseous by-product produced by energy-generating
34 devices including surgical plume, smoke plume, bio-aerosols, laser-generated airborne
35 contaminants, or lung-damaging dust.

36 (c) "Surgical smoke evacuation system" means equipment designed to minimize and
37 control surgical smoke before the surgical smoke makes contact with the eyes or the respiratory
38 tract of any individual in the room.

39 ~~**H→ (2) Beginning on July 1, 2023, a health care facility that conducts surgical procedures**~~
40 ~~**that are likely to generate surgical smoke shall adopt and implement a smoke evacuation**~~
41 ~~**policy.**~~

41a **(2) Beginning on July 1, 2023, any of the following facilities that conduct surgical**
41b **procedures that are likely to generate surgical smoke shall adopt and implement a smoke**
41c **evacuation policy:**

41d **(a) an ambulatory surgical center;**

41e **(b) a general acute hospital; or**

41f **(c) a specialty hospital.** ←H

42 (3) The department shall ensure a facility described in Subsection (2) has adopted and
43 implemented a smoke evacuation policy when:

44 (a) issuing a license to the facility;

45 (b) renewing a facility's license; and

46 (c) conducting an inspection of the facility.