

**Representative Rosemary T. Lesser** proposes the following substitute bill:

1                   **SURGICAL SMOKE EVACUATION SYSTEM REQUIREMENTS**

2                                   2022 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Rosemary T. Lesser**

5                                   Senate Sponsor: Lincoln Fillmore

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7                   **LONG TITLE**

8                   **General Description:**

9                   This bill requires certain facilities to develop policies regarding surgical smoke  
10                  evacuation.

11                  **Highlighted Provisions:**

12                  This bill:  
13                  ▶ defines terms;  
14                  ▶ directs facilities that conduct surgeries that are likely to generate smoke to develop  
15                  policies to mitigate surgical smoke exposure;  
16                  ▶ requires the Department of Health to ensure compliance; and  
17                  ▶ makes technical changes.

18                  **Money Appropriated in this Bill:**

19                  None

20                  **Other Special Clauses:**

21                  None

22                  **Utah Code Sections Affected:**

23                  ENACTS:

24                  26-21-36, Utah Code Annotated 1953

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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 ~~Ĥ→ (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. ←Ĥ

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.