

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2283 Session of 2024

INTRODUCED BY KHAN, BONNER, WAXMAN, McNEILL, FRANKEL, HILL- EVANS, SANCHEZ, ROZZI, KAUFFMAN, KENYATTA, NEILSON, JOZWIAK, GILLEN, MAYES, CURRY AND GREEN, MAY 14, 2024

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 28, 2024

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," in licensing of health care
10 facilities, providing for surgical smoke evacuation systems.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The act of July 19, 1979 (P.L.130, No.48), known
14 as the Health Care Facilities Act, is amended by adding a
15 section to read:

16 Section 809.3. Surgical smoke evacuation systems.

17 (a) General rule.--On or before January 1, 2025, or the date
18 that is 90 days after the effective date of this subsection,
19 whichever is later, an ambulatory surgical facility or hospital
20 shall adopt and implement policies to prevent exposure to
21 surgical smoke through the use of a smoke evacuation system for

1 each procedure that generates surgical smoke.

2 ~~(b) Compliance. The department shall ensure compliance with~~ <--
3 ~~this section during any on site inspection and in response to~~
4 ~~any complaint received relating to a violation of this section.~~

5 ~~(c) (B) Definitions.--As used in this section, the following~~ <--
6 ~~words and phrases shall have the meanings given to them in this~~
7 ~~subsection unless the context clearly indicates otherwise:~~

8 ~~"Smoke evacuation system." Smoke evacuation equipment and~~ <--
9 ~~technologies designed to capture, filter and remove surgical~~
10 ~~smoke at the site of origin and to prevent surgical smoke from~~
11 ~~making ocular contact or contact with the respiratory tract of~~
12 ~~an individual.~~

13 ~~"Surgical smoke." The surgical plume that is generated from~~
14 ~~the use of an energy generating surgical device. The term~~
15 ~~includes smoke plume, bio aerosols, laser generated airborne~~
16 ~~contaminants and lung damaging dust.~~

17 ~~"SMOKE EVACUATION SYSTEM." SMOKE EVACUATION EQUIPMENT AND~~ <--
18 ~~TECHNOLOGIES THAT CAPTURE SURGICAL SMOKE SO THAT THE SURGICAL~~
19 ~~SMOKE WILL NOT MAKE OCULAR CONTACT OR CONTACT WITH THE~~
20 ~~RESPIRATORY TRACT OF AN INDIVIDUAL IN THE OPERATING ROOM.~~

21 ~~"SURGICAL SMOKE." THE SURGICAL PLUME OR GASEOUS BYPRODUCT~~
22 ~~THAT IS PRODUCED FROM THE INTERACTION OF TOOLS OR HEAT-PRODUCING~~
23 ~~EQUIPMENT USED FOR DISSECTION AND HEMOSTASIS DURING SURGICAL OR~~
24 ~~INVASIVE PROCEDURES.~~

25 Section 2. This act shall take effect immediately.