

# STATE OF NEW YORK

9974

## IN ASSEMBLY

April 27, 2022

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring general hospitals and ambulatory surgery facilities to adopt and implement policies to prevent exposure to surgical smoke

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 2830 to read as follows:

3 § 2830. Surgical smoke evacuation. Every general hospital and ambula-  
4 tory surgery facility licensed under this article shall adopt and imple-  
5 ment policies to prevent exposure to surgical smoke through the use of  
6 an airborne contaminant evacuation system for each procedure that gener-  
7 ates surgical smoke. This section does not apply to a facility that  
8 does not perform procedures that generate surgical smoke. As used in  
9 this section, "surgical smoke" means the by-product that is generated  
10 from the use of an energy generating surgical device, including, but  
11 shall not be limited to, surgical plume, smoke plume, bio-aerosols,  
12 laser-generated airborne contaminants, and lung damaging dust. As used  
13 in this section, "airborne contaminant evacuation system" means smoke  
14 evacuation equipment and technologies designed to capture, filter and  
15 remove surgical smoke at the site of origin and before the surgical  
16 smoke makes ocular contact or contact with the respiratory tract of any  
17 individual.

18 § 2. This act shall take effect on the one hundred eightieth day after  
19 it shall have become a law. Effective immediately, the commissioner of  
20 health shall make regulations and take other actions reasonably neces-  
21 sary to implement this act on that date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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