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:

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

§ 2830. Surgical smoke evacuation. Every general hospital and ambulatory surgery facility licensed under this article shall adopt and implement policies to prevent exposure to surgical smoke through the use of an airborne contaminant evacuation system for each procedure that generates surgical smoke. This section does not apply to a facility that does not perform procedures that generate surgical smoke. As used in this section, "surgical smoke" means the by-product that is generated from the use of an energy generating surgical device, including, but shall not be limited to, surgical plume, smoke plume, bio-aerosols, laser-generated airborne contaminants, and lung damaging dust. As used in this section, "airborne contaminant evacuation system" means smoke evacuation equipment and technologies designed to capture, filter and remove surgical smoke at the site of origin and before the surgical smoke makes ocular contact or contact with the respiratory tract of any individual.

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

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

LBD15410-01-2