

By: A. Johnson of Harris

H.B. No. 4365

Substitute the following for H.B. No. 4365:

By: Klick

C.S.H.B. No. 4365

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and implementation of a surgical smoke evacuation system policy at certain health care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 222, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. SURGICAL SMOKE EVACUATION SYSTEM POLICY AT CERTAIN HEALTH CARE FACILITIES

Sec. 222.061. DEFINITIONS. In this subchapter:

(1) "Health care facility" means:

(A) a hospital licensed under Chapter 241 or maintained or operated by this state; and

(B) an ambulatory surgical center licensed under Chapter 243.

(2) "Surgical smoke" means the gaseous by-product, including surgical plume, smoke plume, bio-aerosols, laser-generated airborne contaminants, or lung-damaging dust, produced by an energy-generating device used in connection with a surgical procedure.

(3) "Surgical smoke evacuation system" means equipment that may be used to capture, filter, and remove surgical smoke before the surgical smoke makes contact with the eyes or respiratory tract of an individual, including a patient or health care provider, occupying a room where a surgical procedure is

1 performed. The term includes equipment that is integrated with or  
2 separate from the energy-generating device.

3 Sec. 222.062. SURGICAL SMOKE EVACUATION SYSTEM POLICY. (a)  
4 A health care facility shall adopt and implement a policy to  
5 mitigate an individual's exposure to surgical smoke through the use  
6 of a surgical smoke evacuation system during each planned surgical  
7 procedure in an operating room that is likely to generate surgical  
8 smoke.

9 (b) A health care facility may use any surgical smoke  
10 evacuation system that provides protection to patients and health  
11 care providers, based on the types of surgical techniques and  
12 procedures performed at the facility.

13 SECTION 2. Not later than January 1, 2024, a health care  
14 facility shall adopt and implement the policy required by Section  
15 222.062, Health and Safety Code, as added by this Act.

16 SECTION 3. This Act takes effect September 1, 2023.