

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, including a hospital maintained and operated by this state;

(B) an ambulatory surgical center licensed under Chapter 243; and

(C) a mental hospital licensed under Chapter 577.

(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 a room in which a surgical procedure is performed.

(3) "Surgical smoke evacuation system" means equipment designed to capture and neutralize surgical smoke at the site of origin and before the surgical smoke makes contact with the eyes or respiratory tract of any individual occupying a room in

1 which a surgical procedure is performed.

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

7 SECTION 2. Not later than January 1, 2024, a health care
8 facility shall adopt and implement the policy required by Section
9 222.062, Health and Safety Code, as added by this Act.

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