By: Miles S.B. No. 353

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 used to capture, filter, and remove surgical smoke before the surgical smoke contacts the eyes or respiratory tract of an individual, including a patient and health care practitioner, occupying a room where a surgical procedure is performed. The term

includes equipment integrated with or separated from the energy-generating device.

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

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

SECTION 2. Not later than January 1, 2028, a health care facility, as that term is defined by Section 222.061, Health and Safety Code, as added by this Act, shall adopt and implement the policy required by Section 222.062, Health and Safety Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2027.