

**House File 783 - Introduced**

HOUSE FILE 783  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 59)

**A BILL FOR**

1 An Act relating to the elimination of surgical smoke by  
2 hospitals, critical access hospitals, and outpatient  
3 surgical centers.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135Q.1 Surgical smoke evacuation  
2 system — requirements.

3 1. As used in this section, unless the context otherwise  
4 requires:

5 a. "*Critical access hospital*" means a hospital designated as  
6 a critical access hospital pursuant to 42 U.S.C. §1395i-4.

7 b. "*Department*" means the department of inspections and  
8 appeals.

9 c. "*Hospital*" means the same as defined in section 135B.1.

10 d. "*Outpatient surgical center*" means the same as defined  
11 in section 135.61.

12 2. The department shall adopt rules pursuant to chapter  
13 17A to require the following entities in accordance with the  
14 following schedule to use surgical smoke evacuation systems to  
15 eliminate smoke produced by the use of energy-based devices  
16 including but not limited to electrosurgical devices and  
17 lasers:

18 a. An outpatient surgical center, no later than December 31,  
19 2022.

20 b. A hospital, with the exception of a critical access  
21 hospital, no later than December 31, 2022.

22 c. A critical access hospital, no later than December 31,  
23 2023.

24 3. An outpatient surgical center, hospital, or critical  
25 access hospital that is unable to timely comply with the  
26 surgical smoke evacuation system requirements specified in  
27 subsection 2 may petition the department for an exemption from  
28 the requirements based upon economic hardship, limitations that  
29 the outpatient surgical center, hospital, or critical access  
30 hospital cannot control, or other exceptional circumstances.  
31 The department shall adopt rules establishing the form and  
32 specific information to be included in a request for an  
33 exemption and the specific criteria to be considered by the  
34 department in determining whether to approve a request for  
35 an exemption. The department may approve an exemption for a

1 period of time determined by the department, not to exceed  
2 one year from the date of approval, and the exemption may be  
3 annually renewed upon request subject to department approval.

4

EXPLANATION

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The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

6

7 This bill requires the department of inspections and appeals  
8 (DIA) to adopt administrative rules to require each outpatient  
9 surgical center, hospital, and critical access hospital to use  
10 a surgical smoke evacuation system to eliminate smoke produced  
11 through the use of energy-based devices including but not  
12 limited to electrosurgical devices and lasers in accordance  
13 with a time schedule specified in the bill. An outpatient  
14 surgical center, a hospital, or a critical access hospital that  
15 is unable to timely comply may petition DIA for an exemption.  
16 DIA shall adopt rules establishing the form to be used and  
17 specific information that must be included in a request for an  
18 exemption and the specific criteria to be considered for an  
19 exemption. An exemption period shall not exceed one year from  
20 the date of approval, and the exemption may be renewed annually  
21 upon request subject to DIA approval.