

House Study Bill 59 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to the elimination of surgical smoke by
2 hospitals, critical access hospitals, and ambulatory
3 surgical centers.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

5 a. "Ambulatory surgical center" means an outpatient surgical
6 facility as defined in section 135.61.

7 b. "Critical access hospital" means a hospital designated as
8 a critical access hospital pursuant to 42 U.S.C. §1395i-4.

9 c. "Department" means the department of inspections and
10 appeals.

11 d. "Smoke evacuation system" means smoke evacuators, laser
12 plume evacuators, or local exhaust ventilators that capture and
13 neutralize plume at the site of origin and before plume can
14 make ocular contact or contact with the respiratory tract of a
15 person.

16 e. "Surgical smoke" means the by-product from the use of
17 energy-generating devices including surgical plume, smoke
18 plume, bioaerosols, laser-generated airborne contaminants, and
19 lung-damaging dust.

20 2. In order to protect patients and health care workers
21 from the hazards of surgical smoke, the following entities
22 shall adopt policies in accordance with the following schedule
23 to ensure the elimination of surgical smoke through the use of
24 a smoke evacuation system for each procedure that generates
25 surgical smoke through the use of energy-based devices
26 including but not limited to electrosurgical devices and
27 lasers:

28 a. An ambulatory surgical center, no later than July 1,
29 2023.

30 b. A hospital as defined in section 135B.1, with the
31 exception of a critical access hospital, no later than July 1,
32 2023.

33 c. A critical access hospital, no later than July 1, 2025.

34 3. The department shall adopt rules pursuant to chapter 17A
35 to administer this section.

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EXPLANATION

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

This bill requires each hospital, critical access hospital,
and ambulatory surgical center in the state to adopt policies
to ensure the elimination of surgical smoke through the
use of a smoke evacuation system for each procedure that
generates surgical smoke through the use of energy-based
devices including but not limited to electrosurgical devices
and lasers. The bill defines "ambulatory surgical center",
"critical access hospital", "smoke evacuation system", and
"surgical smoke" for the purposes of the bill and requires the
department of inspections and appeals to adopt administrative
rules to administer the bill.