

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 378 Session of 2023

INTRODUCED BY MUTH, COLLETT, CAPPELLETTI, FONTANA AND COMITTA,  
FEBRUARY 21, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, FEBRUARY 21, 2023

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An  
2 act relating to health care; prescribing the powers and  
3 duties of the Department of Health; establishing and  
4 providing the powers and duties of the State Health  
5 Coordinating Council, health systems agencies and Health Care  
6 Policy Board in the Department of Health, and State Health  
7 Facility Hearing Board in the Department of Justice;  
8 providing for certification of need of health care providers  
9 and prescribing penalties," in licensing of health care  
10 facilities, providing for surgical smoke evacuation systems.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. The act of July 19, 1979 (P.L.130, No.48), known  
14 as the Health Care Facilities Act, is amended by adding a  
15 section to read:

16 Section 809.3. Surgical smoke evacuation systems.

17 (a) General rule.--On or before January 1, 2025, an  
18 ambulatory surgical facility or hospital shall adopt and  
19 implement policies to prevent exposure to surgical smoke through  
20 the use of a smoke evacuation system for each procedure that  
21 generates surgical smoke.

22 (b) Compliance.--The department shall ensure compliance with

1 this section during any on-site inspection and in response to  
2 any complaint received relating to a violation of this section.

3 (c) Definitions.--As used in this section, the following  
4 words and phrases shall have the meanings given to them in this  
5 subsection unless the context clearly indicates otherwise:

6 "Smoke evacuation system." Smoke evacuation equipment and  
7 technologies designed to capture, filter and remove surgical  
8 smoke at the site of origin and to prevent surgical smoke from  
9 making ocular contact or contact with the respiratory tract of  
10 an individual.

11 "Surgical smoke." The surgical plume that is generated from  
12 the use of an energy-generating surgical device. The term  
13 includes smoke plume, bio-aerosols, laser-generated airborne  
14 contaminants and lung damaging dust.

15 Section 2. This act shall take effect immediately.