

# House Bill 4064

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Association of periOperative Registered Nurses, Oregon State Council of periOperative Nurses, Oregon Federation of Nurses and Health Professionals, Oregon Nurses Association)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires hospitals and ambulatory surgical centers to use smoke evacuation system during surgical procedures likely to generate surgical smoke.

## A BILL FOR AN ACT

1  
2 Relating to surgical smoke.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2020 Act is added to and made a part of ORS 441.015 to**  
5 **441.087.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **“Energy generating device” means a tool that performs a surgical function using**  
8 **heat, laser, electricity or other form of energy.**

9 (b) **“Smoke evacuation system” means equipment that effectively captures and neutral-**  
10 **izes surgical smoke before the smoke makes contact with the eyes or the respiratory tract**  
11 **of the occupants of a room.**

12 (c) **“Surgical smoke” means the by-product that results from contact with tissue by an**  
13 **energy generating device.**

14 (2) **A hospital or ambulatory surgical center licensed in this state shall adopt policies that**  
15 **require the use of a smoke evacuation system during any surgical procedure that is likely**  
16 **to generate surgical smoke.**

17 (3) **The Occupational Safety and Health Division of the Department of Consumer and**  
18 **Business Services shall ensure compliance with this section during any on-site inspection.**

19 **SECTION 3. Section 2 of this 2020 Act becomes operative on July 1, 2021.**  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.