

**Enrolled**  
**House Bill 2622**

Sponsored by Representative SCHOUTEN; Representatives CAMPOS, DEXTER, GRAYBER, HAYDEN, HELM, NOSSE, PRUSAK, SANCHEZ, Senator MANNING JR (at the request of Oregon Association of Perioperative Nurses) (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to surgical smoke; creating new provisions; and amending ORS 654.412.

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

**SECTION 1.** Section 2 of this 2021 Act is added to and made a part of ORS 654.412 to 654.423.

**SECTION 2.** (1) A health care employer shall adopt policies that require the use of a smoke evacuation system during any surgical procedure that is likely to generate surgical smoke. The hospital or ambulatory surgical center may select any smoke evacuation system that accounts for surgical techniques and procedures vital to patient safety.

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

**SECTION 3.** ORS 654.412 is amended to read:

654.412. As used in ORS 654.412 to 654.423:

(1) "Assault" means intentionally, knowingly or recklessly causing physical injury.

(2) "Energy generating device" means a tool that performs a surgical function using heat, laser, electricity or other form of energy.

[(2)] (3) "Health care employer" means:

(a) An ambulatory surgical center as defined in ORS 442.015.

(b) A hospital as defined in ORS 442.015.

[(3)] (4) "Home health care services" means items or services furnished to a patient by an employee of a health care employer in a place of temporary or permanent residence used as the patient's home.

(5) "Smoke evacuation system" means equipment that effectively captures or neutralizes surgical smoke before the smoke makes contact with the eyes or the respiratory tract of the occupants of a room.

(6) "Surgical smoke" means the by-product that results from contact with tissue by an energy generating device.

**SECTION 4.** Section 2 of this 2021 Act becomes operative on January 1, 2023.

**Passed by House April 27, 2021**

**Repassed by House June 8, 2021**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate June 7, 2021**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

.....  
Shemia Fagan, Secretary of State