

B-Engrossed
House Bill 2622

Ordered by the Senate June 2
Including House Amendments dated April 16 and Senate Amendments
dated June 2

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

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.

Requires hospitals and ambulatory surgical centers to **adopt policies that require** use of smoke evacuation system during surgical procedures likely to generate surgical smoke.

A BILL FOR 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

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.

1 **energy generating device.**

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

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