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**SUBSTITUTE HOUSE BILL 1779**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Callan, Bronoske, Sells, Dolan, and Ramos)

READ FIRST TIME 01/25/22.

1 AN ACT Relating to requiring policies addressing surgical smoke;  
2 adding a new section to chapter 49.17 RCW; and providing effective  
3 dates.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17  
6 RCW to read as follows:

7 (1) A health care employer shall adopt policies that require the  
8 use of a smoke evacuation system during any planned surgical  
9 procedure that is likely to generate surgical smoke which would  
10 otherwise make contact with the eyes or respiratory tract of the  
11 occupants of the room.

12 (2) The health care employer may select any smoke evacuation  
13 system that accounts for surgical techniques and procedures vital to  
14 patient safety and that takes into account employee safety.

15 (3) The department shall ensure compliance with this section  
16 during any on-site inspection.

17 (4) The definitions in this subsection apply throughout this  
18 section unless the context clearly requires otherwise.

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

1 (b) "Health care employer" means a hospital, as defined in RCW  
2 70.41.020, or an ambulatory surgical facility, as defined in RCW  
3 70.230.010.

4 (c) "Smoke evacuation system" means equipment designed to capture  
5 and neutralize surgical smoke at the point of origin, before the  
6 smoke makes contact with the eyes or the respiratory tract of  
7 occupants in the room. Smoke evacuation systems may be integrated  
8 with the energy generating device or separate from the energy  
9 generating device.

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

12 (5) The department may adopt rules as necessary to administer  
13 this section.

14 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2024,  
15 except that for the following hospitals, this act takes effect  
16 January 1, 2025:

17 (1) Hospitals certified as critical access hospitals under 42  
18 U.S.C. Sec. 1395i-4;

19 (2) Hospitals with fewer than 25 acute care beds in operation;  
20 and

21 (3) Hospitals certified by the centers for medicare and medicaid  
22 services as sole community hospitals.

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