

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1779

Chapter 129, Laws of 2022

67th Legislature
2022 Regular Session

SURGICAL SMOKE—SMOKE EVACUATION SYSTEMS

EFFECTIVE DATE: January 1, 2024

Passed by the House March 7, 2022
Yeas 81 Nays 17

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2022
Yeas 44 Nays 5

DENNY HECK

President of the Senate

Approved March 24, 2022 8:48 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1779** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 24, 2022

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1779

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

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; creating a new section;
3 and providing effective 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 (3) Hospitals certified by the centers for medicare and medicaid
21 services as sole community hospitals; and

22 (4) Hospitals that qualify as a medicare dependent hospital.

23 NEW SECTION. **Sec. 3.** (1) The surgical smoke evacuation account
24 is created in the custody of the state treasurer. Revenues to the
25 account consist of appropriations and transfers by the legislature
26 and all other funding directed for deposit into the account. Only the
27 director of the department of labor and industries or the director's
28 designee may authorize expenditures from the account. The account is
29 subject to the allotment procedures under chapter 43.88 RCW, but an
30 appropriation is not required for expenditures. Expenditures from the
31 account may be used only for purposes provided in subsection (3) of
32 this section.

33 (2) By July 1, 2025, the director of the department of labor and
34 industries must certify to the state treasurer the amount of any
35 unobligated moneys in the surgical smoke evacuation account that were
36 appropriated by the legislature from the general fund during the
37 2023-2025 fiscal biennium, and the treasurer must transfer those
38 moneys back to the general fund.

1 (3) (a) Subject to the funds available in the surgical smoke
2 evacuation account and beginning January 2, 2025, a hospital
3 described in (b) of this subsection may apply to the department of
4 labor and industries for reimbursement for the costs incurred by the
5 hospital on or before January 1, 2025, to purchase and install smoke
6 evacuation systems as defined in section 1 of this act. The
7 reimbursement may not exceed \$1,000 for each operating room in the
8 hospital. The reimbursements under this subsection are only available
9 until moneys contained in the account are exhausted.

10 (b) Only the following hospitals may apply for reimbursement:

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

13 (ii) Hospitals with fewer than 25 acute care beds in operation;

14 (iii) Hospitals certified by the centers for medicare and
15 medicaid services as sole community hospitals; and

16 (iv) Hospitals that qualify as a medicare dependent hospital.

17 (c) The department of labor and industries must determine the
18 process for making an application for reimbursement.

Passed by the House March 7, 2022.

Passed by the Senate March 1, 2022.

Approved by the Governor March 24, 2022.

Filed in Office of Secretary of State March 24, 2022.

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