

SURGICAL SMOKE LAWS

STATE	EFFECTIVE DATE	REQUIREMENTS	ENFORCEMENT AUTHORITY
Arizona	July 1, 2024	Hospitals and outpatient surgical centers shall adopt and implement policies to prevent human exposure to surgical smoke by using a smoke evacuation system for each procedure that generates surgical smoke (A.R.S. §36-434.01)	The Arizona Department of Health Services shall ensure compliance during any onsite inspection and in response to any complaint received. Report noncompliance to the Department of Health Services.
California	June 1, 2027 (see explanation in Requirements column)	California Division of Occupational Safety and Health Standards (Cal/OSHA) must submit to its board a proposed regulation for the evacuation of surgical smoke by December 21, 2026. The Cal/OSHA Board must consider the proposed regulation for adoption by June 1, 2027.	Cal/OSHA will enforce as prescribed by the final adopted regulation.
Colorado	May 1, 2021	Hospitals and ASCs shall adopt and implement a policy that prevents human exposure to surgical smoke via the use of a surgical smoke evacuation system during any planned surgical procedures that is likely to generate surgical smoke (Col. Rev. Stat. § 25-3-120)	Report noncompliance to the Colorado Department of Public Health and Environment.
Connecticut	January 1, 2024	Hospitals and outpatient surgical facilities shall develop a policy for the use of a surgical smoke evacuation system to prevent a person's exposure to surgical smoke, and shall implement such policy and, upon request, provide a copy of such policy to the Department of Public Health (Conn. Gen. Stat. § 19a-490bb)	Hospitals and outpatient surgical facilities shall provide copies of their policy to the Department of Public Health upon request. Report noncompliance to the Department of Public Health.
Georgia	July 1, 2022	Hospitals and ambulatory surgical centers shall adopt policies for the reduction of human exposure to surgical smoke. (Georgia Code § 31-7-23)	Report noncompliance to the Georgia Department of Community Health.

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Illinois	January 1, 2022	Hospitals and ASCs shall adopt policies to ensure the elimination of surgical smoke plume by use of a surgical smoke plume evacuation system for each procedure that generates surgical smoke plume (210 ILCS § 5/6.9; 210 ILCS § 85/6.28) <i>See also implementing regulations at 77 Ill. Adm. Code 205.410 and 77 Ill. Adm. Code 250.1325</i>	Hospitals and ASCs shall report to the Illinois Department of Public Health that these policies have been adopted by March 30, 2022. Report noncompliance to the Department of Public Health.
Kentucky	January 1, 2022	Hospitals and ASCs are required to make use of a smoke evacuation system during any surgical procedure likely to generate surgical smoke (KRS § 216B.153) <i>See also implementing regulations at 902 KAR 20:106 Section 4(8) and 902 KAR 20:016 Section 4(10)€</i>	The cabinet shall impose fines for each violation of noncompliance. Report noncompliance to the Cabinet for Health and Family Services.
Louisiana	August 1, 2023	Healthcare facilities providing surgical procedures using heat-producing equipment shall adopt and implement policies for a surgical smoke plume evacuation plan to mitigate and remove the surgical smoke plume (R.S. 40:2200.11)	The Department of Health will verify compliance through onsite surveys, licensing surveys, full recertification surveys and complaint surveys. Report noncompliance to the Department of Health.
Minnesota	January 1, 2025	Every hospital, ASC, and outpatient surgery center must adopt and implement policies to prevent exposure to surgical smoke by requiring the use of a smoke evacuation system during any surgical procedures likely to generate surgical smoke. (Minn. Stat. 182.678)	The Department of Labor and Industry/ MN OSHA will ensure compliance. Report noncompliance to MN OSHA. For more information, go to: https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-filing-complaint
Missouri	January 1, 2026	Each hospital and ambulatory surgical center accredited by the Joint Commission that performs procedures that generate surgical smoke plume from the use of energy-based devices shall adopt and implement policies and procedures to ensure the evacuation of surgical smoke plume by use of a surgical smoke plume evacuation system. (Chapter 197, RSMo, § 197.185)	Report noncompliance to the Missouri Department of Health and Senior Services.

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New Jersey	June 11, 2023	Hospitals and ASCs shall adopt and implement policies to prevent exposure to surgical smoke via use of a smoke evacuation system for each procedure that generates surgical smoke (N.J. P.L. 2023, c.24)	The Commissioner of Health is directed to adopt rules and regulations; in the meantime, report noncompliance to the Department of Health.
New York	June 14, 2023	Hospitals and ambulatory surgery facilities shall adopt and implement policies to prevent exposure to surgical smoke through the use of an airborne contaminant evacuation system for each procedure that generates surgical smoke. (N.Y. Public Health Law §2830). <u>See more information from the NY Department of Health.</u>	Report noncompliance to the Department of Health.
Ohio	October 1, 2024	Hospitals and ambulatory surgery facilities shall adopt and implement policies designed to prevent human exposure to surgical smoke during any planned surgical procedure likely to generate surgical smoke. The policy shall include the use of a surgical smoke evacuation system. (Ohio Rev. Code § 3702.3012 and § 3727.25)	Report noncompliance to the Department of Health.
Oregon	January 1, 2023	Hospitals and ASCs shall adopt policies that require the use of a smoke evacuation system during any surgical procedure that is likely to generate surgical smoke (Oregon Rev. Stat. § 654.413)	Report noncompliance to the Oregon Occupational Safety and Health Division within the Department of Consumer and Business Services. This division is to ensure compliance during any on-site inspection.
Rhode Island	January 1, 2019	Hospitals and ASCs shall adopt policies to ensure the elimination of surgical smoke by use of a smoke-evacuation system for each procedure that generates surgical smoke (R.I. Gen. Laws § 23-17-49.1)	Hospitals and ASCs shall report to the Rhode Island Department of Health that these policies have been adopted by March 30, 2019. Report noncompliance to the Department of Health.

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Virginia	July 1, 2025	Every hospital and outpatient surgical facilities where surgical procedures are performed must adopt a policy requiring the use of a smoke evacuation system to prevent surgical smoke from making ocular contact or contact with a person's respiratory tract for all planned surgical procedures that are likely to generate surgical smoke. (Code of Virginia § 32.1-127(B)(33))	Report noncompliance to the Department of Health.
Washington	January 1, 2024 January 1, 2025 for CAHs, hospitals with less than 25 beds, sole community hospitals, and Medicare dependent hospitals	Hospitals and ASCs shall adopt policies that require the use of a smoke evacuation system during any planned surgical procedure that is likely to generate surgical smoke which would otherwise make contact with the eyes or respiratory tract of the occupants of the room (R.C.W. 49.17.____)	The Department of Labor and Industries shall ensure compliance with this section during any on-site inspection. Report noncompliance to the Department of Labor and Industries.
West Virginia	January 1, 2025	Hospitals and ASCs that utilize energy generating devices must use a smoke evacuation system during any surgical procedure that is likely to produce surgical smoke. (W. Va. Code § 16B-3-21)	Report noncompliance to the West Virginia Office of Health Facility Licensure and Certification within the Office of the Inspector General. Any health facility acting by or through its agents or employees that violates subsection (b) of this section shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for each violation.