

[Second Reprint]

ASSEMBLY, No. 256

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblywoman DEANNE C. DEFUCCIO

District 39 (Bergen and Passaic)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Co-Sponsored by:

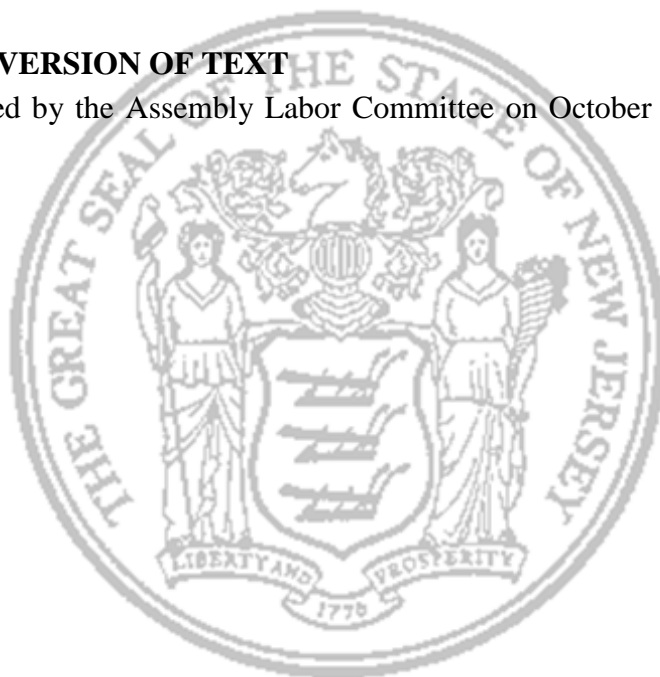
Assemblymen Benson, Conaway and Assemblywoman Murphy

SYNOPSIS

Requires certain health care facilities to adopt and implement policies to prevent exposure to surgical smoke via use of smoke evacuation system.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on October 17, 2022, with amendments.



(Sponsorship Updated As Of: 10/27/2022)

1 AN ACT concerning surgical smoke and supplementing Title 26 of
2 the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. As used in this section:

8 "Health care facility" means a health care facility licensed by the
9 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
10 seq.)¹. "Health care facility" does not mean a long-term care
11 facility² [or],² a provider of adult medical day care services², home
12 health agency licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et
13 seq.), or a psychiatric hospital².

14 ²"Home health agency" means an entity licensed by the
15 Department to provide preventive, rehabilitative, and therapeutic
16 services to patients on a visiting basis in a place of residence used
17 as a patient's home. All home health agencies shall provide at a
18 minimum nursing, homemaker-home health aide, and physical
19 therapy services and are eligible for Medicare-certification.²

20 "Long-term care facility" means a nursing home, an assisted
21 living residence, an assisted living program, a comprehensive
22 personal care home, a residential health care facility, or a dementia
23 care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

24 "Provider of adult medical day care services" means an adult day
25 health services facility licensed by the Department of Health, which
26 provides preventive, diagnostic, therapeutic, and rehabilitative
27 services under medical and nursing supervision to meet the needs of
28 functionally impaired adult participants for a period of time that
29 does not exceed 12 hours during any calendar day.¹

30 "Smoke evacuation system" means smoke evacuation equipment
31 and technologies designed to capture, ¹**[neutralize]** filter¹, or
32 eliminate surgical smoke at the site of origin and before the surgical
33 smoke makes ocular contact or contact with the respiratory tract of
34 an individual.

35 "Surgical smoke" means the surgical plume that is generated
36 from the use of an energy generating surgical device, and shall
37 include, but shall not be limited to, smoke plume, bio-aerosols,
38 laser-generated airborne contaminants, and lung damaging dust.

39 b. ¹**[A]** Each¹ health care facility shall adopt and implement
40 policies to prevent exposure to surgical smoke via use of a smoke
41 evacuation system for each procedure that generates surgical
42 smoke.

43
44 2. The Commissioner of Health shall adopt rules and
45 regulations, in accordance with the "Administrative Procedure Act,"

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHE committee amendments adopted June 2, 2022.

²Assembly ALA committee amendments adopted October 17, 2022.

1 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
2 the provisions of this act.

3

4 3. This act shall take effect ¹~~immediately~~ 90 days after the
5 date of enactment¹.