

[Third 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)**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

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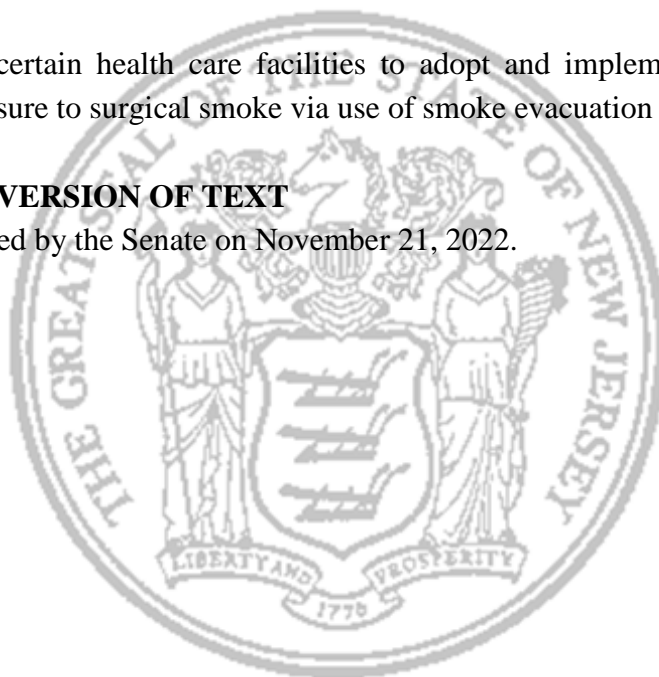
**Assemblymen Benson, Conaway, Assemblywoman Murphy, Senator Cruz-Perez, Assemblywomen Eulner, Piperno and Matsikoudis**

**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 amended by the Senate on November 21, 2022.



**(Sponsorship Updated As Of: 1/26/2023)**

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.)<sup>1</sup>. "Health care facility" does not mean a long-term care  
11 facility <sup>2</sup>**[or]**,<sup>2</sup> a provider of adult medical day care services <sup>2, 3</sup>**a**<sup>3</sup>  
12 home health agency <sup>3</sup>**[licensed pursuant to P.L.1971, c.136**  
13 **(C.26:2H-1 et seq.)]**<sup>3</sup>, or a psychiatric hospital<sup>2</sup>.

14 <sup>3</sup>**[**<sup>2</sup>"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.<sup>2</sup>**]**<sup>3</sup>

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.<sup>1</sup>

30 "Smoke evacuation system" means smoke evacuation equipment  
31 and technologies designed to capture, <sup>1</sup>**[neutralize]** filter<sup>1</sup>, 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. <sup>1</sup>**[A]** Each<sup>1</sup> 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:

<sup>1</sup>Assembly AHE committee amendments adopted June 2, 2022.

<sup>2</sup>Assembly ALA committee amendments adopted October 17, 2022.

<sup>3</sup>Senate floor amendments adopted November 21, 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 <sup>1</sup>**[immediately]** 90 days after the  
5 date of enactment<sup>1</sup>.