

CHAPTER 24

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.26:2H-12.110 Definitions.

1. a. As used in this section:

"Health care facility" means a health care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.). "Health care facility" does not mean a long-term care facility, a provider of adult medical day care services, a home health agency, or a psychiatric hospital.

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

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

"Smoke evacuation system" means smoke evacuation equipment and technologies designed to capture, filter, or eliminate surgical smoke at the site of origin and before the surgical smoke makes ocular contact or contact with the respiratory tract of an individual.

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

b. Each health care facility 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.

2. The Commissioner of Health shall adopt rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the provisions of this act.

3. This act shall take effect 90 days after the date of enactment.

Approved March 13, 2023.