

[First Reprint]

**SENATE, No. 732**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**  
**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senator Cruz-Perez**

**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 Senate Health, Human Services and Senior Citizens Committee on June 6, 2022, with amendments.



**(Sponsorship Updated As Of: 6/13/2022)**

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.) <sup>1</sup>. "Health care facility" does not mean a long-term care  
11 facility or a provider of adult medical day care services.

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

16 "Provider of adult medical day care services" means an adult day  
17 health services facility licensed by the Department of Health, which  
18 provides preventive, diagnostic, therapeutic, and rehabilitative  
19 services under medical and nursing supervision to meet the needs of  
20 functionally impaired adult participants for a period of time that  
21 does not exceed 12 hours during any calendar day.<sup>1</sup>

22 "Smoke evacuation system" means smoke evacuation equipment  
23 and technologies designed to capture, <sup>1</sup>**[neutralize]** filter<sup>1</sup>, or  
24 eliminate surgical smoke at the site of origin and before the surgical  
25 smoke makes ocular contact or contact with the respiratory tract of  
26 an individual.

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

31 b. <sup>1</sup>**[A]** Each<sup>1</sup> health care facility shall adopt and implement  
32 policies to prevent exposure to surgical smoke via use of a smoke  
33 evacuation system for each procedure that generates surgical  
34 smoke.

35

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

40

41 3. This act shall take effect <sup>1</sup>**[immediately]** 90 days after the  
42 date of enactment<sup>1</sup>.

**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>Senate SHH committee amendments adopted June 6, 2022.