

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 86

Senator Brenner

A BILL

To enact sections 3702.3012 and 3727.25 of the 1
Revised Code regarding surgical smoke. 2

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3702.3012 and 3727.25 of the 3
Revised Code be enacted to read as follows: 4

Sec. 3702.3012. (A) As used in this section, "surgical 5
smoke" and "surgical smoke evacuation system" have the same 6
meanings as in section 3727.25 of the Revised Code. 7

(B) Not later than one year after the effective date of 8
this section, each ambulatory surgical facility shall adopt and 9
implement a policy designed to prevent human exposure to 10
surgical smoke during any planned surgical procedure that is 11
likely to generate surgical smoke. The policy shall include the 12
use of a surgical smoke evacuation system. 13

(C) The director of health may adopt any rules the 14
director considers necessary to implement this section. The 15
rules shall be adopted in accordance with Chapter 119. of the 16
Revised Code. 17

Sec. 3727.25. (A) As used in this section: 18

(1) "Surgical smoke" means the airborne byproduct of an 19
energy-generating device used in a surgical procedure, including 20
smoke plume, bioaerosols, gases, laser-generated contaminants, 21
and dust. 22

(2) "Surgical smoke evacuation system" means equipment 23
designed to capture, filter, and eliminate surgical smoke at the 24
point of origin, before the smoke makes contact with the eyes or 25
respiratory tract of individuals. 26

(B) Not later than one year after the effective date of 27
this section, each hospital that offers surgical services shall 28
adopt and implement a policy designed to prevent human exposure 29
to surgical smoke during any planned surgical procedure that is 30
likely to generate surgical smoke. The policy shall include the 31
use of a surgical smoke evacuation system. 32

(C) The director of health may adopt any rules the 33
director considers necessary to implement this section. The 34
rules shall be adopted in accordance with Chapter 119. of the 35
Revised Code. 36