

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 161**

**Senator Brenner  
Cosponsor: Senator Thomas**

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**A BILL**

To enact sections 3702.3011 and 3727.25 of the  
Revised Code regarding surgical smoke.

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

**Section 1.** That sections 3702.3011 and 3727.25 of the  
Revised Code be enacted to read as follows:

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**Sec. 3702.3011.** (A) As used in this section:

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

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

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(B) Not later than one year after the effective date of  
this section, each ambulatory surgical facility shall adopt and  
implement a policy designed to prevent human exposure to  
surgical smoke during any planned surgical procedure that is

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likely to generate surgical smoke. The policy shall include the 18  
use of a surgical smoke evacuation system. 19

(C) The director of health may adopt any rules the 20  
director considers necessary to implement this section. The 21  
rules shall be adopted in accordance with Chapter 119. of the 22  
Revised Code. 23

Sec. 3727.25. As used in this section, "surgical smoke" 24  
and "surgical smoke evacuation system" have the same meanings as 25  
in section 3702.3011 of the Revised Code. 26

Not later than one year after the effective date of this 27  
section, each hospital that performs surgeries shall adopt and 28  
implement a policy designed to prevent human exposure to 29  
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

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