

As Introduced

135th General Assembly  
Regular Session  
2023-2024

S. B. No. 86

Senator Brenner

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A BILL

To enact sections 3702.3012 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 3702.3012 and 3727.25 of the  
Revised Code be enacted to read as follows:

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

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

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

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

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(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