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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4011

02/19/2024 Authored by Berg
The bill was read for the first time and referred to the Committee on Labor and Industry Finance and Policy
03/04/2024 Adoption of Report: Re-referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to occupational safety and health; requiring surgical smoke evacuation
1.3 system policies; proposing coding for new law in Minnesota Statutes, chapter 182.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [182.678] SURGICAL SMOKE EVACUATION SYSTEM POLICIES.

1.6 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this
1.7 subdivision have the meanings given.

1.8 (b) "Surgical smoke" means the gaseous by-product produced by energy-generating
1.9 devices including surgical plume, smoke plume, bio-aerosols, laser-generated airborne
1.10 contaminants, or lung-damaging dust.

1.11 (c) "Smoke evacuation system" means equipment that effectively captures and filters
1.12 surgical smoke at the site of origin before the smoke makes contact with the eyes or the
1.13 respiratory tract of occupants in the room.

1.14 (d) "Health care employer" means a hospital as defined in section 144.50, subdivision
1.15 2, or an ambulatory surgical facility or outpatient surgical center as defined in section 144.55,
1.16 subdivision 2, paragraph (b).

1.17 Subd. 2. Surgical smoke evacuation system policies required. A health care employer
1.18 shall adopt and implement policies to prevent exposure to surgical smoke by requiring the
1.19 use of a smoke evacuation system during any surgical procedure that is likely to generate
1.20 surgical smoke.

2.1 Subd. 3. **Enforcement.** This section shall be enforced by the commissioner under sections
2.2 182.66 and 182.661. A violation of this section is subject to the penalties provided under
2.3 section 182.666.

2.4 **EFFECTIVE DATE.** This section is effective January 1, 2025.