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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 104  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Robb Blasdel

Jason Hoskins, Attorney

### SUMMARY

- Requires ambulatory surgical facilities and hospitals to adopt and implement policies designed to prevent human exposure to surgical smoke during planned surgical procedures.

### DETAILED ANALYSIS

#### Regulation of surgical smoke

The bill requires ambulatory surgical facilities and hospitals offering surgical services to adopt and implement policies designed to prevent human exposure to surgical smoke during planned surgical procedures likely to generate such smoke.<sup>1</sup> “Surgical smoke” is defined by the bill as the airborne byproduct of an energy-generating device used in a surgical procedure, including smoke plume, bioaerosols, gases, laser-generated contaminants, and dust.<sup>2</sup>

The policy, which must be in place not later than one year after the bill’s effective date, must include the use of a surgical smoke evacuation system.<sup>3</sup> The system required by the bill is described as equipment designed to capture, filter, and eliminate surgical smoke at the point of origin, before the smoke makes contact with the eyes or respiratory tract of an individual.<sup>4</sup>

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<sup>1</sup> R.C. 3702.3012 and 3727.25.

<sup>2</sup> R.C. 3727.25(A)(1).

<sup>3</sup> R.C. 3702.3012(B) and 3727.25(B).

<sup>4</sup> R.C. 3727.25(A)(2).

The Director of Health is authorized by the bill to adopt rules to implement the bill's requirements. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119).<sup>5</sup>

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## HISTORY

Action	Date
Introduced	03-14-23

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<sup>5</sup> R.C. 3702.3012(C) and 3727.25(C).