HOUSE DOCKET, NO. 1732 FILED ON: 1/15/2025

HOUSE . . . . . No. 2442

The Commonwealth of Massachusetts

PRESENTED BY:

James K. Hawkins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting patients and healthcare workers from exposure to surgical smoke.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
James K. Hawkins	*2nd Bristol*	*1/15/2025*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*2/14/2025*
Michael D. Brady	*Second Plymouth and Norfolk*	*3/24/2025*
Christopher Richard Flanagan	*1st Barnstable*	*3/24/2025*
James C. Arena-DeRosa	*8th Middlesex*	*10/1/2025*
Shirley B. Arriaga	*8th Hampden*	*10/2/2025*
Lisa Field	*3rd Bristol*	*9/11/2025*
Carmine Lawrence Gentile	*13th Middlesex*	*9/11/2025*
Homar Gómez	*2nd Hampshire*	*9/30/2025*
Natalie M. Higgins	*4th Worcester*	*9/30/2025*
Vanna Howard	*17th Middlesex*	*8/16/2025*
Patrick Joseph Kearney	*4th Plymouth*	*9/10/2025*
William F. MacGregor	*10th Suffolk*	*10/2/2025*
Adrian C. Madaro	*1st Suffolk*	*9/30/2025*
Joseph W. McGonagle, Jr.	*28th Middlesex*	*9/30/2025*
John Francis Moran	*9th Suffolk*	*9/30/2025*
David Allen Robertson	*19th Middlesex*	*10/1/2025*
Adam J. Scanlon	*14th Bristol*	*9/30/2025*

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By Representative Hawkins of Attleboro, a petition (accompanied by bill, House, No. 2442) of James K. Hawkins and Joanne M. Comerford for legislation to protect patients and healthcare workers from exposure to surgical smoke. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act protecting patients and healthcare workers from exposure to surgical smoke.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 244 the following section:-

Section 245. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Smoke evacuation system", smoke evacuators, laser plume evacuators, or local exhaust ventilators that effectively capture and neutralize surgical smoke at the site of origin and before the smoke can make ocular contact or contact with the respiratory tract of the occupants of the room.

"Surgical smoke", the by-product, including surgical plume, smoke plume, bio-aerosols, laser-generated airborne contaminants, and other lung-damaging dust, that results from contact with tissue by an energy generating device.

(b) All hospitals and freestanding ambulatory surgical facilities licensed in the commonwealth under this chapter shall adopt policies to ensure the elimination of surgical smoke by use of a smoke evacuation system for any procedure that generates surgical smoke from the use of energy-based devices including, but not limited to, electrosurgery and lasers.

(c) Any hospital or freestanding ambulatory surgical facility that violates subsection (b) shall be punished by a fine of not less than $500 for each violation.

SECTION 2. (a) Section 245 of chapter 111 of the General Laws shall take effect as of January 1, 2026.

(b) Every hospital and freestanding ambulatory surgical center shall report to the department of public health by April 1, 2026 regarding the policies they have adopted to comply with said section 245 of said chapter 111.