

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 3948

(SENATE AUTHORS: MCEWEN, Murphy and Boldon)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11652	Introduction and first reading Referred to Labor

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.

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

1.5

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

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Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this

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subdivision have the meanings given.

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(b) "Surgical smoke" means the gaseous by-product produced by energy-generating

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devices including surgical plume, smoke plume, bio-aerosols, laser-generated airborne

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contaminants, or lung-damaging dust.

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(c) "Smoke evacuation system" means equipment that effectively captures and filters

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surgical smoke at the site of origin before the smoke makes contact with the eyes or the

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respiratory tract of occupants in the room.

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(d) "Health care employer" means a hospital as defined in section 144.50, subdivision

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2, or an ambulatory surgical facility or outpatient surgical center as defined in section 144.55,

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subdivision 2, paragraph (b).

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Subd. 2. Surgical smoke evacuation system policies required. A health care employer

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shall adopt and implement policies to prevent exposure to surgical smoke by requiring the

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use of a smoke evacuation system during any surgical procedure that is likely to generate

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surgical smoke.

- 2.1

Subd. 3. **Enforcement.** This section shall be enforced by the commissioner under sections
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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.