

26:2H-12.110
LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2023 **CHAPTER:** 24

NJSA: 26:2H-12.110 Requires certain health care facilities to adopt and implement policies to prevent exposure to surgical smoke via use of smoke evacuation system.

BILL NO: A256 (Substituted for S732 (2R))

SPONSOR(S) Munoz, Nancy F. and others

DATE INTRODUCED: 1/11/2022

COMMITTEE: **ASSEMBLY:** Health
Labor

SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: 1/26/2023

SENATE: 12/19/2022

DATE OF APPROVAL: 3/13/2023

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (A256 AcaAcaSa (3R) enacted) Yes

A256

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes Health
Labor

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S732 (2R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

CL/JA

P.L. 2023, CHAPTER 24, *approved March 13, 2023*
Assembly, No. 256 (*Third Reprint*)

1 AN ACT concerning surgical smoke and supplementing Title 26 of
2 the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. As used in this section:

8 "Health care facility" means a health care facility licensed by the
9 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
10 seq.)¹. "Health care facility" does not mean a long-term care
11 facility ²[or],² a provider of adult medical day care services ², ³a³
12 home health agency ³[licensed pursuant to P.L.1971, c.136
13 (C.26:2H-1 et seq.)]³, or a psychiatric hospital².

14 ³[²"Home health agency" means an entity licensed by the
15 Department to provide preventive, rehabilitative, and therapeutic
16 services to patients on a visiting basis in a place of residence used
17 as a patient's home. All home health agencies shall provide at a
18 minimum nursing, homemaker-home health aide, and physical
19 therapy services and are eligible for Medicare-certification.²]³

20 "Long-term care facility" means a nursing home, an assisted
21 living residence, an assisted living program, a comprehensive
22 personal care home, a residential health care facility, or a dementia
23 care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

24 "Provider of adult medical day care services" means an adult day
25 health services facility licensed by the Department of Health, which
26 provides preventive, diagnostic, therapeutic, and rehabilitative
27 services under medical and nursing supervision to meet the needs of
28 functionally impaired adult participants for a period of time that
29 does not exceed 12 hours during any calendar day.¹

30 "Smoke evacuation system" means smoke evacuation equipment
31 and technologies designed to capture, ¹**[neutralize]** filter¹, or
32 eliminate surgical smoke at the site of origin and before the surgical
33 smoke makes ocular contact or contact with the respiratory tract of
34 an individual.

35 "Surgical smoke" means the surgical plume that is generated
36 from the use of an energy generating surgical device, and shall
37 include, but shall not be limited to, smoke plume, bio-aerosols,
38 laser-generated airborne contaminants, and lung damaging dust.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHE committee amendments adopted June 2, 2022.

²Assembly ALA committee amendments adopted October 17, 2022.

³Senate floor amendments adopted November 21, 2022.

1 b. ¹**[A]** Each¹ health care facility shall adopt and implement
2 policies to prevent exposure to surgical smoke via use of a smoke
3 evacuation system for each procedure that generates surgical
4 smoke.

5
6 2. The Commissioner of Health shall adopt rules and
7 regulations, in accordance with the “Administrative Procedure Act,”
8 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
9 the provisions of this act.

10
11 3. This act shall take effect ¹**[immediately]** 90 days after the
12 date of enactment¹.

13

14

15

16

17 Requires certain health care facilities to adopt and implement
18 policies to prevent exposure to surgical smoke via use of smoke
19 evacuation system.

ASSEMBLY, No. 256

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Assemblyman Benson

SYNOPSIS

Requires health care facilities to adopt and implement policies to prevent exposure to surgical smoke via use of smoke evacuation system.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/2/2022)

1 AN ACT concerning surgical smoke and supplementing Title 26 of
2 the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. As used in this section:

8 "Health care facility" means a health care facility licensed by the
9 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
10 seq.)

11 "Smoke evacuation system" means smoke evacuation equipment
12 and technologies designed to capture, neutralize, or eliminate
13 surgical smoke at the site of origin and before the surgical smoke
14 makes ocular contact or contact with the respiratory tract of an
15 individual.

16 "Surgical smoke" means the surgical plume that is generated
17 from the use of an energy generating surgical device, and shall
18 include, but shall not be limited to, smoke plume, bio-aerosols,
19 laser-generated airborne contaminants, and lung damaging dust.

20 b. A health care facility shall adopt and implement policies to
21 prevent exposure to surgical smoke via use of a smoke evacuation
22 system for each procedure that generates surgical smoke.

23

24 2. The Commissioner of Health shall adopt rules and
25 regulations, in accordance with the "Administrative Procedure Act,"
26 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
27 the provisions of this act.

28

29 3. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill requires health care facilities to adopt and implement
35 policies to prevent exposure to surgical smoke via use of a smoke
36 evacuation system. The Commissioner of Health is to adopt rules
37 and regulations as are necessary to effectuate the provisions of this
38 bill.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 256

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 2, 2022

The Assembly Health Committee reports favorably Assembly Bill No. 256 with committee amendments.

As amended, this bill requires certain health care facilities to adopt and implement policies to prevent exposure to surgical smoke via use of a smoke evacuation system. The Commissioner of Health is to adopt rules and regulations as are necessary to effectuate the provisions of this bill.

The bill defines "health care facility" to mean a health care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.). "Health care facility" does not mean a long-term care facility or a provider of adult medical day care services.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments:

- (1) make technical changes;
- (2) exclude "long-term care facilities," which include assisted living programs, and "providers of adult medical day care services" from the bill, as those terms are defined in the bill;
- (3) alter the definition of "smoke evacuation system";
- (4) change the effective date; and
- (5) update the synopsis.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 256

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2022

The Assembly Labor Committee reports favorably Assembly Bill No. 256 (1R) with committee amendments.

As amended, this bill requires certain health care facilities to adopt and implement policies to prevent exposure to surgical smoke via use of a smoke evacuation system. The Commissioner of Health is to adopt rules and regulations as are necessary to effectuate the provisions of this bill.

The bill defines "health care facility" to mean a health care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.). As amended, "health care facility" does not mean a long-term care facility, a provider of adult medical day care services, psychiatric hospital, or home health agency.

COMMITTEE AMENDMENTS:

The committee amended the bill to exclude psychiatric hospitals and home health agencies from its provisions, and to add a definition of home health agency.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 256

with Senate Floor Amendments
(Proposed by Senator MADDEN)

ADOPTED: NOVEMBER 21, 2022

These Senate amendments make a number of technical corrections to address how home health agencies are referenced under the bill.

SENATE, No. 732

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Requires health care facilities to adopt and implement policies to prevent exposure to surgical smoke via use of smoke evacuation system.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning surgical smoke and supplementing Title 26 of
2 the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. As used in this section:

8 "Health care facility" means a health care facility licensed by the
9 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-
10 1 et seq.)

11 "Smoke evacuation system" means smoke evacuation equipment
12 and technologies designed to capture, neutralize, or eliminate
13 surgical smoke at the site of origin and before the surgical smoke
14 makes ocular contact or contact with the respiratory tract of an
15 individual.

16 "Surgical smoke" means the surgical plume that is generated
17 from the use of an energy generating surgical device, and shall
18 include, but shall not be limited to, smoke plume, bio-aerosols,
19 laser-generated airborne contaminants, and lung damaging dust.

20 b. A health care facility shall adopt and implement policies to
21 prevent exposure to surgical smoke via use of a smoke evacuation
22 system for each procedure that generates surgical smoke.

23

24 2. The Commissioner of Health shall adopt rules and
25 regulations, in accordance with the "Administrative Procedure Act,"
26 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
27 the provisions of this act.

28

29 3. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill requires health care facilities to adopt and implement
35 policies to prevent exposure to surgical smoke via use of a smoke
36 evacuation system. The Commissioner of Health is to adopt rules
37 and regulations as are necessary to effectuate the provisions of this
38 bill.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 732

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 732.

As amended, this bill requires certain health care facilities to adopt and implement policies to prevent exposure to surgical smoke via use of a smoke evacuation system. The Commissioner of Health is to adopt rules and regulations as are necessary to effectuate the provisions of this bill.

The bill defines "health care facility" to mean a health care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.). "Health care facility" does not mean a long-term care facility or a provider of adult medical day care services.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments: exclude long-term care facilities from the bill, including assisted living programs and providers of adult medical day care services.

The committee amendments alter the definition of "smoke evacuation system" to replace the term "neutralize" with "filter."

The committee amendments change the effective date from immediately to 90 days after the date of enactment.

The committee amendments make technical changes to make a technical correction involving grammar and to update the synopsis to reflect the changes made by the committee amendments.

STATEMENT TO

[First Reprint]

SENATE, No. 732

with Senate Floor Amendments
(Proposed by Senator MADDEN)

ADOPTED: NOVEMBER 21, 2022

These Senate amendments revise the exclusions from the definition of “health care facility” to provide that the term also does not apply to home health agencies or psychiatric hospitals.

Governor Murphy Takes Action on Legislation

03/13/2023

TRENTON – Today, Governor Murphy signed the following bills and resolution into law:

S-297/A-493 (Greenstein, Madden/Murphy, Benson, Calabrese) - Requires public agencies and government contractors to report cybersecurity incidents to Homeland Security and Preparedness

S-428/ACS for A-3039 (Smith, Oroho/Thomson, Calabrese, Freiman) - Extends Right to Farm Act protections to certain shellfish aquaculture activities

S-743/A-189 (Lagana, Johnson/Rooney, McKeon) - Requires publication of certain information related to toll discounts on E-ZPass website

S-2709/A-4524 (Cruz-Perez, Singer/Moen) - Permits appointment of additional alternate deputy registrars

S-3124/A-4792 (Diegnan/Benson, Spearman, Wimberly) - Changes definition of eligible contract for DOT grant program to compensate certain contractors affected by supply chain shortages

AJR-171/SJR-79 (Mosquera, Lampitt, Chaparro/Ruiz, Cunningham) - Permanently designates first full week in April as “Week of the Young Child” in New Jersey

A-256/S-732 (Munoz, DeFuccio, Speight/Madden) - Requires certain health care facilities to adopt and implement policies to prevent exposure to surgical evacuation system