

JAN 15 2025

---

---

# A BILL FOR AN ACT

RELATING TO HOSPITALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that surgical smoke  
2 refers to the vapor inside an operating room that is created  
3 during a surgical procedure. Tools used during a surgical  
4 procedure, including lasers or electrosurgical devices, produce  
5 aerosolized chemicals that can be harmful to inhale, according  
6 to the National Institute for Occupational Safety and Health.  
7 Surgical smoke may contain chemicals such as benzene and  
8 formaldehyde. Studies report that exposure to these chemicals  
9 can produce a range of debilitating effects, including  
10 migraines, nausea, and irritation of the eyes or nose.

11           The legislature further finds that data suggests that each  
12 year roughly five hundred thousand health care professionals are  
13 exposed to hazardous chemicals produced during surgical  
14 operations. Surgical smoke affects health care workers such as  
15 surgeons, nurses, and anesthesiologists, exposing them to  
16 respiratory issues and long-term health risks. Patients and  
17 support staff in health care facilities may also be affected by



1 inhalation. As a result, eighteen states have enacted surgical  
2 smoke evacuation mandate laws, including Minnesota, Virginia,  
3 and West Virginia.

4 Accordingly, the purpose of this Act is to require any  
5 hospital with an operating room licensed by the department of  
6 health to adopt and implement policies to prevent exposure to  
7 surgical smoke.

8 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11 **"§321- Surgical smoke evacuation system; definitions.**

12 (a) No later than July 1, 2026, any hospital with an operating  
13 room licensed pursuant to section 321-14.5 shall adopt and  
14 implement policies to prevent exposure to surgical smoke by  
15 using a smoke evacuation system for each procedure that  
16 generates surgical smoke. The department shall ensure  
17 compliance with this section during any onsite inspection and in  
18 response to any complaint received relating to a violation of  
19 this section.

20 (b) For the purposes of this section:



1        "Smoke evacuation system" means smoke evacuation equipment  
2 and technologies designed to capture, filter, and remove  
3 surgical smoke at the site of origin and to prevent surgical  
4 smoke from making ocular contact or contact with a person's  
5 respiratory tract.


6        "Surgical smoke" means the surgical plume that is generated  
7 from the use of an energy-generating surgical device, including  
8 a smoke plume, bio-aerosol, laser-generated airborne  
9 contaminant, and lung-damaging dust."

10        SECTION 3. New statutory material is underscored.

11        SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned over a horizontal line.

# S.B. NO. 393

**Report Title:**

DOH; Hospitals; Surgical Smoke; Smoke Evacuation System

**Description:**

Requires any hospital with an operating room licensed by the Department of Health to adopt and implement policies to prevent exposure to surgical smoke.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

