

Chapter 794

(House Bill 1087)

AN ACT concerning

Health Care Facilities – Surgical Smoke – Smoke Evacuation Systems

FOR the purpose of requiring health care facilities that perform surgical procedures to adopt and implement policies that require the use of a smoke evacuation system during a surgical procedure that may generate surgical smoke; and generally relating to smoke evacuation systems in health care facilities.

BY adding to

Article – Health – General

Section 19–1001 and 19–1002 to be under the new subtitle “Subtitle 10. Surgical Smoke Evacuation Systems”

Annotated Code of Maryland

(2023 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

SUBTITLE 10. SURGICAL SMOKE EVACUATION SYSTEMS.

19–1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “HEALTH CARE FACILITY” MEANS:

(1) A HOSPITAL, AS DEFINED IN § 19–301 OF THIS TITLE;

(2) A LIMITED SERVICE HOSPITAL, AS DEFINED IN § 19–301 OF THIS TITLE;

(3) A RELATED INSTITUTION, AS DEFINED IN § 19–301 OF THIS TITLE;

(4) AN AMBULATORY SURGICAL FACILITY; OR

(5) A FREESTANDING MEDICAL FACILITY, AS DEFINED IN § 19–3A–01 OF THIS TITLE.

(C) “SMOKE EVACUATION SYSTEM” MEANS EQUIPMENT THAT EFFECTIVELY CAPTURES AND FILTERS SURGICAL SMOKE AT THE SITE OF ORIGIN BEFORE THE SURGICAL SMOKE MAKES CONTACT WITH THE EYES OR RESPIRATORY TRACT OF OCCUPANTS IN THE ROOM.

(D) “SURGICAL SMOKE” MEANS THE GASEOUS BY-PRODUCT PRODUCED BY ENERGY-GENERATING DEVICES, INCLUDING SURGICAL PLUME, SMOKE PLUME, BIO-AEROSOLS, LASER-GENERATED AIRBORNE CONTAMINANTS, OR LUNG-DAMAGING DUST.

19-1002.

BY JANUARY 1, 2028, EACH HEALTH CARE FACILITY THAT PERFORMS SURGICAL PROCEDURES SHALL ADOPT AND IMPLEMENT POLICIES THAT REQUIRE THE USE OF A SMOKE EVACUATION SYSTEM DURING A SURGICAL PROCEDURE THAT MAY GENERATE SURGICAL SMOKE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 26, 2026.