

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

H.B. 390  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30093-MG-67

Short Title: Alleviate the Dangers of Surgical Smoke.

(Public)

Sponsors: Representative Cunningham.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT ESTABLISHING STANDARDS FOR SURGICAL SMOKE EVACUATION IN  
3 HOSPITALS AND AMBULATORY SURGICAL FACILITIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Part 2 of Article 5 of Chapter 131E of the General Statutes is amended  
6 by adding a new section to read:

7 "**§ 131E-78.4. Hospital standards for surgical smoke evacuation.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Smoke evacuation/filtering system. – Stand-alone, portable equipment that  
10 effectively captures, filters, and eliminates surgical smoke at the site of origin  
11 before the smoke makes contact with the eyes or respiratory tracts of  
12 occupants in the room. This equipment is not required to be interconnected to  
13 the hospital surgical ventilation or medical gas system.

14 (2) Surgical smoke. – The gaseous by-product produced by energy-generating  
15 devices, including surgical plume, smoke plume, bio-aerosols, laser-generated  
16 airborne contaminants, or lung-damaging dust.

17 (b) Each hospital licensed under this Part shall adopt and implement policies that require  
18 the use of a smoke evacuation/filtering system during any surgical procedure that is likely to  
19 generate surgical smoke.

20 (c) Adverse Action. – The Department of Health and Human Services may take adverse  
21 action against a hospital under G.S. 131E-78 for a violation of this section."

22 SECTION 2. Part 4 of Article 6 of Chapter 131E of the General Statutes is amended  
23 by adding a new section to read:

24 "**§ 131E-147.2. Ambulatory surgical facility standards for surgical smoke evacuation.**

25 (a) Definitions. – The following definitions apply in this section:

26 (1) Smoke evacuation/filtering system. – Equipment that effectively captures,  
27 filters, and eliminates surgical smoke at the site of origin before the smoke  
28 makes contact with the eyes or the respiratory tracts of occupants in the room.  
29 This equipment is not required to be interconnected to the ambulatory surgical  
30 ventilation or medical gas system.

31 (2) Surgical smoke. – The gaseous by-product produced by energy-generating  
32 devices, including surgical plume, smoke plume, bio-aerosols, laser-generated  
33 airborne contaminants, or lung-damaging dust.

34 (b) Each ambulatory surgical facility licensed under this Part shall adopt and implement  
35 policies that require the use of a smoke evacuation/filtering system during any surgical procedure  
36 that is likely to generate surgical smoke.



1       (c)     Adverse Action. – The Department of Health and Human Services may take adverse  
2 action against an ambulatory surgical facility under G.S. 131E-148 for a violation of this section."  
3       **SECTION 3.** This act becomes effective January 1, 2026.