

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN SENATE JUNE 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2272

Introduced by Assembly Member Thurmond

February 18, 2016

An act to add Section 144.9 to the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2272, as amended, Thurmond. Occupational safety and health standards: plume.

Under existing law, the Occupational Safety and Health Standards Board within the Department of Industrial Relations promulgates and enforces occupational safety and health standards for the state, including standards dealing with toxic materials and harmful physical agents. A violation of these standards and regulations under specific circumstances is a crime.

This bill would require the board, by June 1, 2018, to adopt standards to protect health care personnel and patients from plume, defined as noxious airborne contaminants generated as byproducts of the use of specific devices during surgical, diagnostic, or therapeutic procedures. The bill would require the board, in adopting these standards, to take into consideration and use as a benchmark certain standards adopted by specified organizations. The bill would require the board to use as the mandated requirement for plume scavenging systems recommendations of the federal Occupational Safety and Health Administration or National Institute for Occupational Safety and Health,

where the board determines those recommendations are more effective in the evacuation of plume and would be more protective of occupational health than the described standards.

The bill would require the board, as part of the standards, to include a requirement that employers provide training to all health care workers involved in procedures that involve the creation of plume, as specified.

The bill would provide that compliance with general room ventilation standards or the use of surgical masks or respirators does not satisfy the requirements for protection from surgical plumes under these provisions. *The bill would require the manufacturer of a plume scavenging system to provide evidence that the system meets specified minimum requirements when installed, operated, and maintained in accordance with the manufacturer's instructions.*

By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 144.9 is added to the Labor Code, to
2 read:
3 144.9. (a) As used in this section:
4 (1) "Electrocautery device" means a device that is electrically
5 heated to cut, ablate, or coagulate human tissue for therapeutic
6 purposes.
7 (2) "Electrosurgical device" means a device that uses a radio
8 frequency electric current passing through the patient to cut, ablate,
9 or coagulate human tissue for therapeutic purposes.
10 (3) "Energy-based device" means a device that uses energy to
11 ablate, cauterize, or mechanically manipulate target human tissue
12 including lasers, electrosurgical generators, broadband light
13 sources, ultrasonic instruments, plasma generators, bone saws, and
14 drills.

1 (4) “Plume” means noxious airborne contaminants generated
2 as byproducts of the use of energy-based devices, electrosurgical
3 devices, electrocautery devices, or mechanical tools during surgical,
4 diagnostic, or therapeutic procedures.

5 (5) “Plume scavenging system” means smoke evacuators, laser
6 plume evacuators, plume scavengers, and local exhaust ventilators
7 ~~that capture and neutralize at least 95~~ *that, when used in*
8 *accordance with the manufacturer’s instructions, conform to the*
9 *general requirement of the 2014 ISO Standard 16571 to remove*
10 *and neutralize at least 90* percent of plume at the site of origin and
11 before plume can make ocular contact or contact with the
12 respiratory tract of health care personnel or patients.

13 (b) (1) The board shall, by June 1, 2018, adopt an occupational
14 safety and health standard requiring a health facility, as defined
15 in subdivision (a) of Section 1250 of the Health and Safety Code,
16 to evacuate or remove plume through the use of a plume
17 scavenging system in all settings that employ techniques that
18 involve the creation of plume. In developing the standard, the
19 board shall take into consideration and use as a benchmark the
20 standards titled “Systems for evacuation of plume generated by
21 medical devices” (ISO 16571) adopted by the International
22 Organization for Standardization and the standards titled “Plume
23 scavenging in surgical, diagnostic, therapeutic, and aesthetic
24 settings” (CSA Z305.13-13) adopted by the CSA Group. Where,
25 in the determination of the board, recommendations of the federal
26 Occupational Safety and Health Administration or National
27 Institute for Occupational Safety and Health are more effective in
28 the evacuation of plume and would be more protective of
29 occupational health than the ISO or CSA standards, the board shall
30 use those federal recommendations as the mandated requirement
31 for plume scavenging systems.

32 (2) As part of the standard, the board shall include a requirement
33 for employers to provide training and education to all health care
34 workers that will participate in procedures that involve the creation
35 of plume. The training shall include, but not be limited to, the
36 appropriate use of the plume scavenging systems and equipment
37 utilized by the facility, and general education on the contents of
38 plume, the circumstances in which it is generated, and the
39 associated health and safety hazards. The training shall be designed
40 to provide an opportunity for interactive questions and answers

1 with a person knowledgeable about occupational exposure to plume
2 and the specific equipment utilized.

3 (3) In developing standards, the board may consider input from
4 health facilities, practicing physicians from affected specialties,
5 registered nurses and other affected health care personnel, labor
6 and specialty organizations representing affected registered nurses,
7 labor and specialty organizations representing other affected health
8 care personnel, and other stakeholders.

9 (c) (1) Nothing in this section alters, amends, expands, or
10 reduces existing general room ventilation standards or
11 requirements. These plume scavenging standards are in addition
12 to general room ventilation standards or requirements, and
13 compliance with general room ventilation standards shall not satisfy
14 the requirements of this section.

15 (2) *Evidence that the plume scavenging system conforms to the*
16 *minimum requirements of this section when installed, operated,*
17 *and maintained in accordance with the manufacturer's instructions,*
18 *shall be provided by the manufacturer.*

19 (d) The use of surgical masks or respirators shall not satisfy the
20 requirements of this section.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.