

LAWS OF DELAWARE
VOLUME 85
CHAPTER 172
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 173

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO SURGICAL SMOKE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part VIII, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 93B. Surgical Smoke Evacuation

§ 9001B. Definitions.

For purposes of this chapter:

(1) "Health care employer" means a hospital as defined under § 1001 of this title or a freestanding surgical center as defined by § 122 of this title.

(2) "Smoke evacuation system" means equipment that effectively captures and filters surgical smoke at the site of origin before the smoke makes contact with the eyes or the respiratory tract of occupants in the room.

(3) "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.

§ 9002B. Surgical smoke evacuation requirements.

(a) On or before April 1, 2026, a health care employer must adopt and implement policies that require the use of a smoke evacuation system during any surgical procedure that is likely to generate surgical smoke.

(b) The Division of Health Care Quality will enforce this section under its existing authority in § 122 and Chapter 10 of this title.

Approved August 25, 2025