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**SUBSTITUTE SENATE BILL 5236**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Slatter, Harris, Nobles, and Shewmake)

AN ACT Relating to emissions of greenhouse gases used for anesthetic purposes; adding a new section to chapter 43.21A RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that a great deal of emphasis in greenhouse gas emissions policymaking in the state has appropriately focused on reducing sources of carbon dioxide, methane, and refrigerant gases, which remain the most significant types of greenhouse gases emitted in the state. However, the legislature also finds it prudent not to overlook meaningful opportunities to reduce emissions of other types of greenhouse gases from more niche sources such as anesthetic gases.

(2) The legislature finds that gases used as an anesthetic in medical, dental, and veterinary contexts, including desflurane, isoflurane, sevoflurane, halothane, and nitrous oxide, are potent greenhouse gases. Efforts in the medical community are already underway to minimize the emissions from these gases, including by national and international anesthesiologist associations. In other jurisdictions, including Scotland and England, efforts are also underway to phase out the use of the anesthetic gases with the greatest potential greenhouse gas emissions.

(3) Therefore, it is the intent of the legislature to reduce emissions from these sources of greenhouse gases, in spite of their obscurity, by:

(a) Studying these gases; and

(b) Developing guidance to reduce emissions of greenhouse gases used for anesthetic purposes.

NEW SECTION. **Sec.**  (1) The department of ecology must commission a study to be completed by July 1, 2026, that:

(a) Determines the potential sources of gases with a high global warming potential that are used for anesthetic purposes within Washington;

(b) Determines how these gases are used in Washington;

(c) Estimates the quantity of emissions;

(d) Recommends potential points of regulation for each of these gases; and

(e) Recommends measures for reducing or eliminating emissions of these gases.

(2) By January 1, 2027, the department of ecology, in consultation with the department of health and considering the results of the study commissioned under subsection (1) of this section, must submit recommendations to the appropriate committees of the legislature regarding any further statutory changes needed in order to appropriately and effectively reduce greenhouse gas emissions associated with the use of anesthetic gases, including any recommendations to prohibit the manufacture, distribution, sale, or use of specific anesthetic gases. The department of ecology must note, in the report to the legislature under this section, any recommendations that the department of health does not endorse and must provide an opportunity for the department of health to share their opinions on such matters as an appendix to the recommendations.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21A RCW to read as follows:

(1) By April 1, 2027, the department must develop and publish a guidance document intended to reduce greenhouse gas emissions associated with the use of gases with a high global warming potential that are used for anesthetic purposes in medical, dental, veterinary, or other similar facilities and settings. Gases subject to the guidance document must include, at minimum: Sevoflurane; desflurane; isoflurane; halothane; and nitrous oxide. In developing the guidance document, the department of ecology must consult with the department of health, and solicit the input from the following:

(a) The state board of health;

(b) The Washington medical commission;

(c) The Washington state board of nursing;

(d) The dental quality assurance commission;

(e) The board of osteopathic medicine and surgery;

(f) The veterinary board of governors;

(g) The University of Washington and Washington State University;

(h) Associations representing medical, nursing, dental, or veterinary practitioners that use anesthetic gases;

(i) Associations representing facilities at which anesthetic gases are used;

(j) Environmental organizations with a focus on efforts to reduce greenhouse gas emissions; and

(k) Subject matter experts with knowledge of the most efficient and effective methods to reduce greenhouse gas emissions from anesthetic gas use.

(2) In developing the guidance document, the department must consider:

(a) The efforts of other jurisdictions, including those in Europe, to restrict the use of high global warming potential greenhouse gases or to otherwise reduce greenhouse gas emissions associated with the use of anesthesia;

(b) The guidance documents or best practices prepared by national and international anesthesiology professionals, including the American society of anesthesiologists, the world federation of societies of anaesthesiologists, and the American association of nurse anesthesiology; and guidance documents published in peer-reviewed medical journals;

(c) Existing practices in place at facilities and by practitioners in Washington to limit greenhouse gas emissions associated with anesthesia use;

(d) Input related to professional liability and medical procedure risks associated with the implementation of alternative anesthetic options intended to lower greenhouse gas emissions associated with the use of anesthetic gases; and

(e) Any additional financial considerations in the use of changes intended to reduce emissions of anesthetic gases.

(3) The goal of the guidance document must be to reduce greenhouse gas emissions associated with the use of anesthetic gases, but without limiting the judgment or needs of medical, nursing, dental, or veterinary professionals in providing safe and effective care, while allowing flexibility for extenuating clinical circumstances when, in the opinion of the medical professional, unrestricted use of anesthetic gases is needed for patient safety and comfort. Nothing in the guidance document may be construed to require a facility or practitioner to provide medical care in a manner that increases medical procedure or professional liability risks in the judgment of the facility owner or operator or the medical professional.

(4) By January 1, 2028, facilities at which anesthetic gases are used, and the medical, nursing, dental, or veterinary practitioners that use such gases, may only use anesthesia in a manner consistent with the guidance document published under this section. The department may not issue penalties under this section to a facility owner or operator or a practitioner for a failure to follow the guidance document.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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