
SUBSTITUTE SENATE BILL 5236

State of Washington

69th Legislature

2025 Regular Session

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

READ FIRST TIME 02/10/25.

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

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

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

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

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

4 (a) Studying these gases; and

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

7 NEW SECTION. **Sec. 2.** (1) The department of ecology must
8 commission a study to be completed by July 1, 2026, that:

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

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

13 (c) Estimates the quantity of emissions;

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

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

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

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A
32 RCW to read as follows:

33 (1) By April 1, 2027, the department must develop and publish a
34 guidance document intended to reduce greenhouse gas emissions
35 associated with the use of gases with a high global warming potential
36 that are used for anesthetic purposes in medical, dental, veterinary,
37 or other similar facilities and settings. Gases subject to the
38 guidance document must include, at minimum: Sevoflurane; desflurane;

1 isoflurane; halothane; and nitrous oxide. In developing the guidance
2 document, the department of ecology must consult with the department
3 of health, and solicit the input from the following:

4 (a) The state board of health;

5 (b) The Washington medical commission;

6 (c) The Washington state board of nursing;

7 (d) The dental quality assurance commission;

8 (e) The board of osteopathic medicine and surgery;

9 (f) The veterinary board of governors;

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

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

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

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

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

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

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

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

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

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

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

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

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

20 NEW SECTION. **Sec. 4.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

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