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**SENATE BILL 5178**

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

**By** Senators Trudeau, Harris, Frame, Hasegawa, Liias, Nobles, Orwall, Pedersen, Salomon, and Shewmake

AN ACT Relating to protecting public health and safety by regulating the transfer of sodium nitrite; adding a new chapter to Title 69 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) The sale of sodium nitrite is a matter of statewide and national concern as there are increasing reports about the extreme health risks of ingestion of sodium nitrite, particularly by people attempting suicide. Sodium nitrite has been promoted online as an effective method to complete suicide as it is readily available and fast acting, and there is a false perception that it provides a painless asymptomatic course prior to death.

(2) Sodium nitrite is commercially available for use as a food preservative, as a curing agent, and for certain limited industrial and medical uses. It can be purchased easily and without restriction from multiple online and brick-and-mortar retail vendors. The national poison data system showed an annual increase in the number of reported exposures to sodium nitrite from 2017 to 2020. In 2021, the national poison data system annual report revealed 16 fatalities across all age cohorts related to sodium nitrite, data that likely underreports actual occurrences. Nationally, 222 deaths were linked to sodium nitrite in 2022 by a single private laboratory. Victims of sodium nitrite ingestion become cyanotic and short of breath within minutes due to methemoglobinemia, which is a blood disorder resulting from an abnormal increase in the hemoglobin methemoglobin. The reversing agent of methylene blue can be ineffective and difficult to administer in an acutely ill patient and is not widely available, even in emergency departments.

(3) The federal centers for disease control and prevention reported that in 2021, 22 percent of high school students seriously considered attempting suicide during the past year, trending significantly upward since 2011, particularly among female students. One in 10 high school students attempted suicide in 2021.

(4) Limiting access to lethal suicide methods, known as "means restriction," is an important strategy for suicide prevention. Although some individuals might seek other methods, many do not and, when they do, the means chosen are less lethal and are associated with fewer deaths than when more dangerous methods are available. Restricting access to sodium nitrite will save lives, particularly among vulnerable and developing adolescents and young adults, and prevent the deleterious impact of suicide upon families, communities, and the public health system.

(5) The federal government and other states are currently enacting or considering legislation to restrict access to sodium nitrite and to properly label it by warnings. The enactment of such legislation will result in reduced numbers of suicides and suicide attempts and increase the likelihood that caretakers and health care providers will be able to intervene and interrupt suicide attempts.

NEW SECTION. **Sec.**  DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial business" means a business or institution, including a research institution, requiring the use of covered products as that term is defined in this section.

(2) "Covered entity" means a person selling, transferring, or offering to sell or transfer a covered product, which includes but is not limited to a manufacturer, wholesaler, distributor, third-party seller, online retailer, and all others involved in the distribution of a covered product. The term also includes a party who is in the business of leasing or bailing covered products.

(3) "Covered product" means a product containing sodium nitrite in a concentration greater than 10 percent of the mass or volume of the product.

(4) "Label" means a representation made by statement, word, picture, design, or emblem on a covered product package, whether affixed to or written directly on the package.

(5) "Principal display panel" means:

(a) For a cylindrical or nearly cylindrical package, 40 percent of the product package as measured by multiplying the height of the container by the circumference;

(b) For noncylindrical or nearly noncylindrical packaging, such as a rectangular prism or nearly rectangular prism, 40 percent of the product package as measured by multiplying the length by the width of the side of the package when it is pressed flat against on all sides of the packaging; and

(c) For electronic media, the side of a product package that is most likely to be displayed, presented, or shown under customary conditions of display for retail sale.

NEW SECTION. **Sec.**  RESTRICTION ON SALE OF COVERED PRODUCTS AND LABELING REQUIREMENTS. A covered entity shall not:

(1) Sell or transfer a covered product except to a commercial business in accordance with section 4 of this act; or

(2) Sell or offer to sell, directly or indirectly, a covered product without a label notice that meets the requirements of section 5 of this act.

NEW SECTION. **Sec.**  SALE OR TRANSFER OF COVERED PRODUCTS TO COMMERCIAL BUSINESSES. (1) A covered entity may sell or transfer a covered product to a verified commercial business if, prior to the sale or transfer of the covered product:

(a) The commercial business affirms that the commercial business requires covered products, which must include the commercial business providing its employer identification number to the covered entity; and

(b) The covered entity has a system that verifies that the commercial business requires a covered product, including verifying the employer identification number.

(2) The following systems, whether relied on solely or in combination, do not satisfy the verification obligation of the covered entity specified in subsection (1) of this section:

(a) A sale verification system relying on the commercial business simply providing a statement of commercial need and intended usage without additional verification;

(b) A sale verification system relying on the commercial business using tick boxes to confirm they are a commercial business and require covered products; or

(c) A sale verification system relying on the commercial business using an "accept" statement for the commercial business to confirm that they have read the terms and conditions.

NEW SECTION. **Sec.**  LABELING AND SHIPPING REQUIREMENTS. (1) A covered entity shall label or ensure that a label satisfying the requirements of this section is already affixed to a covered product with the phrase "WARNING DANGER: Deadly if ingested. If ingested, seek immediate medical attention for intravenous administration of methylene blue. Ingestion of sodium nitrite, even in small quantities, causes severe methemoglobinemia, extreme pain, and imminent death. Keep out of reach of children." This label must be in a size equal to at least two percent of the surface area of the principal display panel, accompanied by a skull and crossbones symbol.

(2) Where the covered product is displayed in advertising or in electronic media, a label notice must accompany the display in no smaller a size than is equivalent to the primary description of the sodium nitrite.

(3) If a covered product is shipped or delivered in packaging that obscures or hides the principal display panel, or is sold in bulk or within the same packaging as another product, the packaging must include a skull and crossbones symbol in a prominent location likely to be seen and read by an ordinary individual under customary conditions of transportation and delivery.

(4) If a federal agency or state department does not approve a product label that otherwise complies with the labeling requirements of this section, the covered entity shall use a label that complies with as many of the requirements of this section as the relevant agency has approved.

NEW SECTION. **Sec.**  RECORDS. A covered entity shall retain sale and transfer records and documentation for each purchase or transfer of a covered product for three years from the date of sale or transfer.

NEW SECTION. **Sec.**  VIOLATIONS. (1) A covered entity that violates this act is subject to a civil penalty of $10,000 for the first violation, and a civil penalty of no more than $1,000,000 for a second or subsequent violation.

(2)(a) The attorney general, prosecuting attorney within the relevant jurisdiction, or any aggrieved individual may bring an action to impose a civil penalty for a violation of this act. A civil penalty imposed pursuant to this section does not exclude any other public or private cause of action, whether criminal or civil.

(b) Any aggrieved individual, other than the attorney general, who prevails in a civil action against a covered entity under this act is entitled to reasonable attorney fees, costs, and the greater of actual economic damages or $3,000.

NEW SECTION. **Sec.**  CONSUMER PROTECTION ACT. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec.**  Sections 1 through 8 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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