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**SENATE BILL 5178**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Trudeau and Harris

Prefiled 01/08/25.

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

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

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

12 (2) Sodium nitrite is commercially available for use as a food  
13 preservative, as a curing agent, and for certain limited industrial  
14 and medical uses. It can be purchased easily and without restriction  
15 from multiple online and brick-and-mortar retail vendors. The  
16 national poison data system showed an annual increase in the number  
17 of reported exposures to sodium nitrite from 2017 to 2020. In 2021,  
18 the national poison data system annual report revealed 16 fatalities  
19 across all age cohorts related to sodium nitrite, data that likely  
20 underreports actual occurrences. Nationally, 222 deaths were linked  
21 to sodium nitrite in 2022 by a single private laboratory. Victims of

1 sodium nitrite ingestion become cyanotic and short of breath within  
2 minutes due to methemoglobinemia, which is a blood disorder resulting  
3 from an abnormal increase in the hemoglobin methemoglobin. The  
4 reversing agent of methylene blue can be ineffective and difficult to  
5 administer in an acutely ill patient and is not widely available,  
6 even in emergency departments.

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

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

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

27 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
28 section apply throughout this chapter unless the context clearly  
29 requires otherwise.

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

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

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

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

7 (5) "Principal display panel" means:

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

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

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

19 NEW SECTION. **Sec. 3.** RESTRICTION ON SALE OF COVERED PRODUCTS  
20 AND LABELING REQUIREMENTS. A covered entity shall not:

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

23 (2) Sell or offer to sell, directly or indirectly, a covered  
24 product without a label notice that meets the requirements of section  
25 5 of this act.

26 NEW SECTION. **Sec. 4.** SALE OR TRANSFER OF COVERED PRODUCTS TO  
27 COMMERCIAL BUSINESSES. (1) A covered entity may sell or transfer a  
28 covered product to a verified commercial business if, prior to the  
29 sale or transfer of the covered product:

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

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

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

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

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

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

13 NEW SECTION. **Sec. 5.** LABELING AND SHIPPING REQUIREMENTS. (1) A  
14 covered entity shall label or ensure that a label satisfying the  
15 requirements of this section is already affixed to a covered product  
16 with the phrase "WARNING DANGER: Deadly if ingested. If ingested,  
17 seek immediate medical attention for intravenous administration of  
18 methylene blue. Ingestion of sodium nitrite, even in small  
19 quantities, causes severe methemoglobinemia, extreme pain, and  
20 imminent death. Keep out of reach of children." This label must be in  
21 a size equal to at least two percent of the surface area of the  
22 principal display panel, accompanied by a skull and crossbones  
23 symbol.

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

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

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

1        NEW SECTION.    **Sec. 6.**    RECORDS. A covered entity shall retain  
2 sale and transfer records and documentation for each purchase or  
3 transfer of a covered product for three years from the date of sale  
4 or transfer.

5        NEW SECTION.    **Sec. 7.**    VIOLATIONS. (1) A covered entity that  
6 violates this act is subject to a civil penalty of \$10,000 for the  
7 first violation, and a civil penalty of no more than \$1,000,000 for a  
8 second or subsequent violation.

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

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

18        NEW SECTION.    **Sec. 8.**    CONSUMER PROTECTION ACT. The legislature  
19 finds that the practices covered by this chapter are matters vitally  
20 affecting the public interest for the purpose of applying the  
21 consumer protection act, chapter 19.86 RCW. A violation of this  
22 chapter is not reasonable in relation to the development and  
23 preservation of business and is an unfair or deceptive act in trade  
24 or commerce and an unfair method of competition for the purpose of  
25 applying the consumer protection act, chapter 19.86 RCW.

26        NEW SECTION.    **Sec. 9.**    Sections 1 through 8 of this act  
27 constitute a new chapter in Title 69 RCW.

28        NEW SECTION.    **Sec. 10.**    This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of  
30 the state government and its existing public institutions, and takes  
31 effect immediately.

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