SENATE BILL REPORT
SB 5178

As Reported by Senate Committee On:
Health & Long-Term Care, January 17, 2025
Business, Financial Services & Trade, February 5, 2025

Title: An act relating to protecting public health and safety by regulating the transfer of sodium nitrite.

Brief Description: Protecting public health and safety by regulating the transfer of sodium nitrite.

Sponsors: Senators Trudeau, Harris, Frame, Hasegawa, Liias, Nobles, Orwall, Pedersen, Salomon and Shewmake.

Brief History:
Committee Activity: Health & Long-Term Care: 1/17/25 [w/oRec-BFT].
Business, Financial Services & Trade: 1/30/25, 2/05/25 [DP, w/oRec].

Brief Summary of Bill

- Places restrictions on the sale and shipment of sodium nitrite products with a concentration of 10 percent or greater.
- Establishes civil penalties and the applicability of the Consumer Protection Act on covered entities that violate the restrictions on the sale and shipment of sodium nitrite products.

SENATE COMMITTEE ON BUSINESS, FINANCIAL SERVICES & TRADE

Majority Report: Do pass.
Signed by Senators Kauffman, Chair; Cortes, Vice Chair; Hasegawa, Lovick and Stanford.

Minority Report: That it be referred without recommendation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Dozier, Ranking Member; Fortunato, McCune and Wilson, J..

Staff: Clint McCarthy (786-7319)

Background: Sodium nitrite appears as a yellowish white crystalline solid. It is noncombustible, but will accelerate the burning of combustible material. If large quantities are involved in a fire or if the combustible material is finely divided, an explosion may result. If contaminated by ammonium compounds, spontaneous decomposition can occur and the resulting heat may ignite surrounding combustible material. Prolonged exposure to heat may result in an explosion. Toxic oxides of nitrogen are produced in fires involving this material. Sodium nitrite ingestion by humans can be poisonous and fatal.

Summary of Bill: Restrictions on the Sale of Sodium Nitrite. Covered entities are defined as a person selling a covered product, which are sodium nitrite products with a concentration of more than 10 percent. Covered entities can only sell the covered product to manufacturers, wholesalers, distributors, third-party sellers, online retailers, and any other businesses. Covered entities must retain sale records and documentation for each purchase for three years from the point of sale. Businesses purchasing sodium nitrite must provide their employer identification number. Businesses selling covered products must verify the necessity of the product for commercial use.

Shipping and Labeling of Sodium Nitrite Products with a Concentration of 10 Percent or More. When selling covered products, covered entities must include the following phrase on its label:

"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."

The label must be in a size equal to at least 2 percent of the surface area of the principal display panel, accompanied by a skull and crossbones symbol. When shipped, the product must display a skull and crossbones symbol likely to be seen and read by an ordinary individual.

Enforcement of Restrictions on the Sale of Sodium Nitrite. A covered entity that violates this act is subject to a $10,000 penalty for the first violation, and no more than $1 million for second or subsequent violation. The Washington State attorney general, a prosecuting attorney within a relevant jurisdiction, or any aggrieved individual may bring action to impose a civil penalty. A civil penalty does not exclude other public or private cause of action. Any aggrieved individual, other than the attorney general, who prevails in a civil action is entitled to reasonable attorney fees.

The sale of sodium nitrite is also covered by the Consumer Protection Act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: Sodium Nitrate with high concentration levels are marketed as a product that can result in suicide. We are happy Amazon is signed up pro and has voluntarily taken this off the market. There are a lot of forums online where people discuss products used for suicide, and this is something that comes up often in those areas. This is what the Consumer Protection Act is designed for. This bill is urgent. It is necessary. Companies should not be granted an exemption. Sodium nitrite has been available without restriction for years in spite of warnings by parents and regulators. Establish credible consumer safety measures and make a difference. The dangers of the Internet to children are very concerning. Pink curing salts have a 6 percent concentration—the bill only addresses products with a 10 percent concentration or more. While Amazon has stopped selling sodium nitrite, other businesses continue to sell it. We hope that commercial companies do the right thing when asked. We cannot gamble what we cannot afford to lose, which is why we need to act.

Persons Testifying: PRO: Senator Yasmin Trudeau, Prime Sponsor; Michelle Vasquez-Stickley; Kaitlin Cherf, Washington State Association for Justice.

Persons Signed In To Testify But Not Testifying: PRO: Becky Roe, Washington State Association for Justice.