
HOUSE BILL 1209

State of Washington

69th Legislature

2025 Regular Session

By Representatives Mena, Walen, Reed, Ryu, and Berry

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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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