

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1209

69th Legislature
2025 Regular Session

Passed by the House February 6, 2025
Yeas 91 Nays 4

**Speaker of the House of
Representatives**

Passed by the Senate March 26, 2025
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1209** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1209

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

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By House Consumer Protection & Business (originally sponsored by Representatives Mena, Walen, Reed, Ryu, Berry, Alvarado, Macri, Farivar, Doglio, Pollet, Ormsby, Salahuddin, and Hill)

READ FIRST TIME 01/31/25.

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

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, to be known and cited in Washington as "Tyler's law," 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. 2.** 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.

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.

(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. 5.** 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.

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.** SHORT TITLE. This chapter may be known and
27 cited as Tyler's law.

28 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act
29 constitute a new chapter in Title 69 RCW.

30 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of
32 the state government and its existing public institutions, and takes
33 effect immediately.

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