

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0165.01 Yelana Love x2295

HOUSE BILL 24-1081

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A BILL FOR AN ACT

101 **CONCERNING REGULATION ON THE SALE OF SODIUM NITRITE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill limits the sale or transfer of a product containing sodium nitrite in a concentration greater than 10% of the mass or volume of the product (covered product) to commercial businesses that are verified to require a covered product.

The bill requires covered products to meet specified labeling requirements.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 22, 2024

HOUSE
3rd Reading Unamended
February 6, 2024

HOUSE
2nd Reading Unamended
February 5, 2024

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) There are increasing concerns about the health effects of the
5 ingestion of sodium nitrite, particularly by people attempting suicide. This
6 is because sodium nitrite has been promoted online as an effective
7 method to complete suicide because it is readily available, fast acting, and
8 there is a perception that it provides a painless symptomatic course
9 leading to death.

10 (b) Sodium nitrite is commercially available as a food
11 preservative, as a curing agent, and for certain limited industrial and
12 medical uses. It can be purchased easily and without restriction from
13 multiple online and brick-and-mortar retail vendors.

14 (c) The National Poison Data System (NPDS) showed an annual
15 increase in the number of reported exposures to sodium nitrite from 2017
16 to 2020. In 2021, the NPDS annual report revealed sixteen fatalities
17 across all age cohorts related to sodium nitrite, data that likely
18 underreports actual occurrences.

19 (d) In Colorado, between 2018 and 2023 (partial year), at least
20 twenty-five deaths across all age cohorts were attributable to sodium
21 nitrite ingestion, with deaths increasing each year. Nationally, two
22 hundred twenty-two deaths were linked to sodium nitrite in 2022 by a
23 single private laboratory.

24 (e) Victims of sodium nitrite ingestion become cyanotic and short
25 of breath within minutes due to methemoglobinemia, which is a blood
26 disorder resulting from an abnormal increase in the hemoglobin
27 methemoglobin. The reversing agent of methylene blue can be ineffective

1 and difficult to administer in an acutely ill patient and is not widely
2 available, even in emergency departments.

3 (f) On August 22, 2023, the department of public health and
4 environment issued a "Health Action Network" alert to medical providers
5 statewide regarding the dangers associated with sodium nitrite ingestion;

6 (g) The federal Centers for Disease Control and Prevention
7 reported that in 2021, twenty-two percent of high school students
8 seriously considered attempting suicide during the past year, trending
9 significantly upward since 2011, particularly among female students. One
10 in ten high school students attempted suicide in 2021.

11 (h) Limiting access to lethal suicide methods, known as "means
12 restriction", is an important strategy for suicide prevention. Although
13 some individuals might seek other methods, many do not and when they
14 do, the means chosen are less lethal and are associated with fewer deaths
15 than when more dangerous methods are available.

16 (i) Restricting access to sodium nitrite will save lives, particularly
17 among vulnerable and developing young adults, and prevent the
18 deleterious impact of suicide upon families, communities, and the public
19 health system; and

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

26 **SECTION 2.** In Colorado Revised Statutes, **add** part 15 to article
27 5 of title 25 as follows:

1 PART 15

2 REGULATION OF SODIUM NITRITE

3 **25-5-1501. Definitions.** AS USED IN THIS PART 15, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "COMMERCIAL BUSINESS" MEANS A BUSINESS OR INSTITUTION,
6 INCLUDING A RESEARCH INSTITUTION, REQUIRING THE USE OF PRODUCTS
7 WITH SODIUM NITRITE IN A CONCENTRATION GREATER THAN TEN PERCENT
8 OF THE MASS OR VOLUME OF THE PRODUCT FOR BUSINESS PURPOSES.

9 (2) "COVERED ENTITY" MEANS A PERSON SELLING, TRANSFERRING,
10 OR OFFERING TO SELL OR TRANSFER A COVERED PRODUCT.

11 (3) "COVERED PRODUCT" MEANS A PRODUCT CONTAINING SODIUM
12 NITRITE IN A CONCENTRATION GREATER THAN TEN PERCENT OF THE MASS
13 OR VOLUME OF THE PRODUCT.

14 (4) "LABEL" MEANS A REPRESENTATION MADE BY STATEMENT,
15 WORD, PICTURE, DESIGN, OR EMBLEM ON A COVERED PRODUCT PACKAGE,
16 WHETHER AFFIXED TO OR WRITTEN DIRECTLY ON THE PACKAGE.

17 (5) "PRINCIPAL DISPLAY PANEL" MEANS:

18 (a) FOR A CYLINDRICAL OR NEARLY CYLINDRICAL PACKAGE, FORTY
19 PERCENT OF THE PRODUCT PACKAGE AS MEASURED BY MULTIPLYING THE
20 HEIGHT OF THE CONTAINER BY THE CIRCUMFERENCE;

21 (b) FOR A NONCYLINDRICAL OR NEARLY NONCYLINDRICAL
22 PACKAGE, SUCH AS A RECTANGULAR PRISM OR NEARLY RECTANGULAR
23 PRISM, FORTY PERCENT OF THE PRODUCT PACKAGE AS MEASURED BY
24 MULTIPLYING THE LENGTH BY THE WIDTH OF THE SIDE OF THE PACKAGE
25 WHEN IT IS PRESSED FLAT AGAINST ON ALL SIDES OF THE PACKAGING; AND

26 (c) FOR ELECTRONIC MEDIA, THE SIDE OF A PRODUCT PACKAGE
27 THAT IS MOST LIKELY TO BE DISPLAYED, PRESENTED, OR SHOWN UNDER

1 CUSTOMARY CONDITIONS OF DISPLAY FOR RETAIL SALE.

2 **25-5-1502. Sodium nitrite - restriction of sale - label**
3 **requirements.** (1) A COVERED ENTITY SHALL NOT:

4 (a) SELL OR TRANSFER A COVERED PRODUCT, EXCEPT TO A
5 COMMERCIAL BUSINESS IN ACCORDANCE WITH SECTION 25-5-1503; OR

6 (b) SELL OR OFFER TO SELL, DIRECTLY OR INDIRECTLY, A COVERED
7 PRODUCT WITHOUT A LABEL NOTICE THAT MEETS THE REQUIREMENTS OF
8 SECTION 25-5-1504.

9 **25-5-1503. Sale or transfer of covered products to commercial**
10 **businesses.** (1) A COVERED ENTITY MAY SELL OR TRANSFER A COVERED
11 PRODUCT TO A VERIFIED COMMERCIAL BUSINESS PURSUANT TO THIS
12 SUBSECTION (1). A COMMERCIAL BUSINESS IS VERIFIED IF, PRIOR TO THE
13 SALE OR TRANSFER OF THE COVERED PRODUCT:

14 (a) THE COMMERCIAL BUSINESS AFFIRMS THAT THE BUSINESS
15 REQUIRES COVERED PRODUCTS; AND

16 (b) THE COVERED ENTITY HAS A SYSTEM THAT VERIFIES THAT THE
17 COMMERCIAL BUSINESS REQUIRES A COVERED PRODUCT.

18 (2) THE FOLLOWING SYSTEMS, WHETHER RELIED ON SOLELY OR IN
19 COMBINATION, DO NOT SATISFY THE VERIFICATION OBLIGATION OF THE
20 COVERED ENTITY SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION:

21 (a) A SALE VERIFICATION SYSTEM RELYING ON THE PURCHASER OR
22 RECIPIENT SIMPLY PROVIDING A STATEMENT OF COMMERCIAL NEED AND
23 INTENDED USAGE WITHOUT ADDITIONAL VERIFICATION;

24 (b) A SALE VERIFICATION SYSTEM RELYING ON THE PURCHASER OR
25 RECIPIENT USING TICK BOXES TO CONFIRM THAT THEY ARE IN A
26 COMMERCIAL BUSINESS AND REQUIRE COVERED PRODUCTS; OR

27 (c) A SALE VERIFICATION SYSTEM RELYING ON THE PURCHASER OR

1 RECIPIENT USING AN "ACCEPT" STATEMENT FOR THE PURCHASER OR
2 RECIPIENT TO CONFIRM THAT THE PURCHASER OR RECIPIENT HAS READ THE
3 TERMS AND CONDITIONS.

4 **25-5-1504. Label requirements.** (1) (a) A COVERED ENTITY
5 SHALL LABEL EACH COVERED PRODUCT WITH THE PHRASE "WARNING
6 DANGER: DEADLY IF INGESTED. IN EVENT OF INGESTION, IMMEDIATELY
7 SEEK EMERGENCY MEDICAL ATTENTION FOR INTRAVENOUS
8 ADMINISTRATION OF METHYLENE BLUE. INGESTION OF SODIUM NITRITE,
9 EVEN IN SMALL QUANTITIES, CAUSES SEVERE METHEMOGLOBINEMIA,
10 EXTREME PAIN, OR IMMINENT DEATH. KEEP OUT OF REACH OF CHILDREN."

11 (b) THE LABEL REQUIRED IN SUBSECTION (1)(a) OF THIS SECTION
12 MUST BE IN A SIZE EQUAL TO AT LEAST TWO PERCENT OF THE SURFACE
13 AREA OF THE PRINCIPAL DISPLAY PANEL, ACCOMPANIED BY A SKULL AND
14 CROSSBONES SYMBOL.

15 (2) WHERE THE COVERED PRODUCT IS DISPLAYED IN ADVERTISING
16 OR IN ELECTRONIC MEDIA, A LABEL NOTICE MUST ACCOMPANY THE
17 DISPLAY IN NO SMALLER A SIZE THAN IS EQUIVALENT TO THE PRIMARY
18 DESCRIPTION OF THE COVERED PRODUCT.

19 (3) IF A COVERED PRODUCT IS SHIPPED OR DELIVERED IN
20 PACKAGING THAT OBSCURES OR HIDES THE PRINCIPAL DISPLAY PANEL, OR
21 IS SOLD IN BULK OR WITHIN THE SAME PACKAGING AS ANOTHER PRODUCT,
22 THE PACKAGING MUST INCLUDE A SKULL AND CROSSBONES SYMBOL IN A
23 LOCATION LIKELY TO BE SEEN AND READ BY AN ORDINARY INDIVIDUAL
24 UNDER CUSTOMARY CONDITIONS OF TRANSPORTATION AND DELIVERY.

25 (4) IF A FEDERAL AGENCY OR STATE DEPARTMENT DOES NOT
26 APPROVE A PRODUCT LABEL THAT OTHERWISE COMPLIES WITH THE
27 LABELING REQUIREMENTS OF THIS SECTION, THE COVERED ENTITY SHALL

1 USE A LABEL THAT COMPLIES WITH AS MANY OF THE REQUIREMENTS OF
2 THIS SECTION AS THE RELEVANT AGENCY HAS APPROVED.

3 **25-5-1505. Records.** A COVERED ENTITY SHALL RETAIN SALE AND
4 TRANSFER RECORDS AND DOCUMENTATION FOR EACH PURCHASE OR
5 TRANSFER OF A COVERED PRODUCT FOR THREE YEARS AFTER THE DATE OF
6 SALE OR TRANSFER.

7 **25-5-1506. Violations - penalties.** (1) A COVERED ENTITY THAT
8 VIOLATES THIS PART 15 IS SUBJECT TO A CIVIL PENALTY OF TEN THOUSAND
9 DOLLARS FOR THE FIRST VIOLATION, AND A CIVIL PENALTY OF NO MORE
10 THAN ONE MILLION DOLLARS FOR A SECOND OR SUBSEQUENT VIOLATION.

11 (2) (a) THE ATTORNEY GENERAL OR ANY AGGRIEVED INDIVIDUAL
12 MAY BRING AN ACTION TO IMPOSE A CIVIL PENALTY FOR A VIOLATION OF
13 THIS PART 15. A CIVIL PENALTY IMPOSED PURSUANT TO THIS SECTION DOES
14 NOT EXCLUDE ANY OTHER PUBLIC OR PRIVATE CAUSE OF ACTION.

15 (b) ANY AGGRIEVED INDIVIDUAL, OTHER THAN THE ATTORNEY
16 GENERAL, WHO PREVAILS IN A CIVIL ACTION AGAINST A COVERED ENTITY
17 IS ENTITLED TO REASONABLE ATTORNEY FEES, COSTS, AND THE GREATER
18 OF ACTUAL ECONOMIC DAMAGES OR THREE THOUSAND DOLLARS.

19 **SECTION 3.** In Colorado Revised Statutes, 24-31-101, **amend**
20 (1)(i)(XVII) and (1)(i)(XVIII); and **add** (1)(i)(XIX) as follows:

21 **24-31-101. Powers and duties of attorney general.** (1) The
22 attorney general:

23 (i) May independently initiate and bring civil and criminal actions
24 to enforce state laws, including actions brought pursuant to:

25 (XVII) The "Rental Application Fairness Act", part 9 of article 12
26 of title 38; and

27 (XVIII) The "Reproductive Health Equity Act", part 4 of article

1 6 of title 25; AND

2 (XIX) PART 15 OF ARTICLE 5 OF TITLE 25.

3 **SECTION 4. Effective date - applicability.** This act takes effect
4 July 1, 2024, and applies to covered products sold or transferred on or
5 after said date.

6 **SECTION 5. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.