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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.)*

PART 3. PRODUCT SAFETY [108040 - 109052] (*Part 3 added by Stats. 1995, Ch. 415, Sec. 6.)*

CHAPTER 10.5. Sodium Nitrite [108930- 108930.] (*Chapter 10.5 added by Stats. 2023, Ch. 462, Sec. 2.)*

108930. (a) On or after July 1, 2024, it is unlawful for a person, retailer, or online marketplace to sell sodium nitrite to a person under 18 years of age.

(b) It is unlawful for a person, retailer, or online marketplace to sell sodium nitrite in concentrations greater than 10 percent to a person 18 years of age or older.

(c) It shall be a defense to a violation of subdivision (a) to demonstrate either of the following:

(1) The person, retailer, or online marketplace is able to demonstrate both of the following:

(A) The purchaser acknowledged before purchase they were at least 18 years of age through an effective system created by the person, retailer, or online marketplace that is capable of verifying the age of purchasers to ensure they are above the minimum legal age to purchase a product. This system shall not completely rely on any of the following:

(i) The purchaser simply providing a date of birth without additional verification.

(ii) Using tick boxes to ask purchasers to confirm they are over the minimum age.

(iii) Using a general disclaimer such as: "Anyone ordering this product from our website will be deemed to be at least 18 years of age."

(iv) Using an "accept" statement for the purchaser to confirm that they have read the terms and conditions and are over the minimum age.

(v) Using electronic payment services that do not verify a user's age.

(vi) Only accepting payment by credit card without additional age verification.

(B) The person, retailer, or online marketplace took all reasonable precautions and exercised all due diligence to ensure that the product would be sold and delivered to a person at least 18 years of age.

(2) The purchaser acknowledged before purchase they were at least 18 years of age, and the person, retailer, or online marketplace complies with the requirements of the California Age-Appropriate Design Code Act (Title 1.81.47 (commencing with Section 1798.99.28) of Part 4 of Division 3 of the Civil Code).

(d) This section does not apply to the sale of sodium nitrite to a business.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(*Added by Stats. 2023, Ch. 462, Sec. 2. (AB 1109) Effective January 1, 2024.*)