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AB-1210 Sodium nitrite. (2023-2024)

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Assembly Bill No. 1210

CHAPTER 469

An act to add Chapter 10.6 (commencing with Section 108931) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1210, Kalra. Sodium nitrite.

Existing law prohibits the sale and distribution of certain consumer products that include chemicals such as phthalates, polybrominated diphenyl ether, and perfluoroalkyl and polyfluoroalkyl substances.

This bill would prohibit the sale or offering for sale in the state of sodium nitrite at a purity level that exceeds 10% without a specified label on the immediate container and shipping package of sodium nitrite, and would make a violation of this provision subject to a civil penalty, as specified. The bill would make related findings and declarations.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Sodium nitrite, a food preservative that is fatal at high levels of purity, can be easily purchased online and in retail stores by children and teenagers.

(b) Poison control centers throughout the country have reported a 253-percent increase in self-poisoning with nitrites and a 166-percent increase in fatalities in 2021 compared to 2018.

(c) It is the intent of the Legislature to require safety warnings on these products to prevent poisoning or death.

SEC. 2. Chapter 10.6 (commencing with Section 108931) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 10.6. Sodium Nitrite—Labeling

108931. (a) No person or entity shall sell or offer for sale in the state sodium nitrite at a purity level that exceeds 10 percent without the following:

(1) A clear and conspicuous label on the immediate container of the sodium nitrite stating: "WARNING: LETHAL TO INGEST. If ingested, call for emergency help. The recommended treatment for ingestion of sodium nitrite is intravenous methylene blue."

(2) A clear and conspicuous label on the outside of the shipping package that contains sodium nitrite stating: "WARNING: Contains sodium nitrite, which can be fatal if ingested."

(b) (1) A violation of this section shall be subject to a civil penalty of ten thousand dollars (\$10,000) for the first violation, and a civil penalty of at least fifty thousand dollars (\$50,000) and no more than one hundred thousand dollars (\$100,000) for a second or subsequent violation. For purposes of this subdivision, failure to comply with paragraphs (1) and (2) of subdivision (a) constitute separate violations. The Attorney General or a district attorney, county counsel, or city attorney may bring an action to impose a civil penalty pursuant to this subdivision.

(2) The total civil penalty for a continuous violation of subdivision (a) shall not exceed the amount described in paragraph (1).