

ASSEMBLY THIRD READING

AB 1109 (Connolly)

As Amended April 27, 2023

Majority vote

SUMMARY

Makes it unlawful, on or after July 1, 2024, for a person, retailer, or online marketplace to sell sodium nitrite to a person under 18 years of age; and, makes it unlawful for a person, retailer, or online marketplace to sell sodium nitrite in concentrations greater than 10% to a person 18 years of age or older. Specifies it is a defense to a violation of selling to a minor to demonstrate that the purchaser acknowledge before purchase they were at least 18 years of age and the person, retailer, or online marketplace complies with the California Age-Appropriate Design Code Act.

COMMENTS

- 1) *Sodium Nitrite*. Sodium nitrite is an odorless, yellowish white, crystalline (sand-like) granule, rod, or powder. It is used in heat transfer salts, metal treatment and finishing, as a color fixative and preservative for meats and fish, in pharmaceuticals, and as an antidote for Cyanide poisoning. Sodium nitrite can affect an individual when inhaled and may be absorbed through the skin. Contact can irritate the skin and eyes; inhaling sodium nitrite can irritate the nose and throat; high levels of this substance can reduce the blood's ability to transport oxygen, causing headache, fatigue, dizziness, nausea, vomiting, diarrhea, abdominal pain, and a blue color to the skin and lips (methemoglobinemia). Exposure to very high levels can cause trouble breathing, collapse and even death.

When it comes to food, it should be noted that sodium nitrite is not the same as sodium nitrate. Although both are salts and both act as food preservatives, sodium nitrite is commonly used to cure ham and bacon and also prevents the growth of *Clostridium botulinum*, the bacteria which causes botulism. On the other hand, sodium nitrate is often added to jerky, bacon and luncheon meats. *Sodium nitrate has antimicrobial properties when used as a food preservative. It is also found naturally in leafy green vegetables.*

- 2) *Suicides related to use of sodium nitrite*. Ingestion of large amounts of sodium nitrite can cause methemoglobinemia, a blood disorder in which too little oxygen is delivered to the cells, which can lead to hypoxia (oxygen deficiency) and sometimes death. According to a 2022 article entitled "Survival after Self-Poisoning with Sodium Nitrite: A Case Report, (Case Report)" the California Poison Control System (CPCS) was consulted on five patients who intentionally ingested sodium nitrite between May and November of 2019. All cases acquired the product from online vendors. There were no cases reported to CPCS in the five years prior.

According to the American's Poison Centers, which represents 55 poison centers across the country, poison control centers across the United States reported a 253% increase in self-poisoning with nitrites and nitrates and a 166% increase in fatalities in 2021 in comparison to 2018. This is at the same time there is increased accessibility of sodium nitrite through online vendors and recommendations frequently shared in online communities that it can be used as an effective method of suicide.

According to the author, while there is no legitimate use for sodium nitrite in concentrations of purity above 10%, major retailers like Amazon have been selling it at levels of purity up to 99%. Last year, the parents of a 16-year old and parents of 17-year old filed a complaint in California state court alleging that Amazon assisted in the deaths of two minors by selling them pure forms of sodium nitrite, some in such high concentrations that a single teaspoon could be fatal.

- 3) *Age verification requirements.* AB 2273 (Wicks), Chapter 320, Statutes of 2022, enacts the California Age-Appropriate Design Code Act (CAADC Act), which, commencing July 1, 2024, requires a business that provides an online service, product, or feature likely to be accessed by children to comply with specified requirements, including a requirement to configure all default privacy settings offered by the online service, product, or feature to the settings that offer a high level of privacy, unless the business can demonstrate a compelling reason that a different setting is in the best interests of children, and to provide privacy information, terms of service, policies, and community standards concisely, prominently, and using clear language suited to the age of children likely to access that online service, product, or feature.

According to the Author

Despite pure sodium nitrite having no legitimate application in everyday life, teenagers have been able to easily purchase the chemical in cheap, concentrated forms through several different retail platforms. The widespread availability of such a deadly compound has undeniably worsened our mental health crisis by providing teenagers in a moment of struggle, an easy means of taking their own lives. The author states that this bill addresses this issue by raising the purchase age of sodium nitrite, restricting the pureness of the chemical being sold, and ensuring that platforms have strong age verification systems in place. The author concludes that this bill will dissuade young people from making a potentially devastating and irreversible decision.

Arguments in Support

There is no known support to this bill.

Arguments in Opposition

There is no known opposition to this bill

FISCAL COMMENTS

None

VOTES

ASM HEALTH: 15-0-0

YES: Wood, Waldron, Aguiar-Curry, Arambula, Boerner, Wendy Carrillo, Flora, Vince Fong, Maienschein, McCarty, Joe Patterson, Rodriguez, Santiago, Villapudua, Weber

UPDATED

VERSION: April 27, 2023

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