

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

**ENGROSSED**

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

LLS NO. 24-0165.01 Yelana Love x2295

**HOUSE BILL 24-1081**

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**HOUSE SPONSORSHIP**

**Amabile and Catlin,**

**SENATE SPONSORSHIP**

**Roberts and Pelton B.,**

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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.

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 INDIVIDUAL MAY BRING  
12 AN ACTION TO IMPOSE A CIVIL PENALTY FOR A VIOLATION OF THIS PART 15.  
13 A CIVIL PENALTY IMPOSED PURSUANT TO THIS SECTION DOES NOT  
14 EXCLUDE ANY OTHER PUBLIC OR PRIVATE CAUSE OF ACTION.

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