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1st Session

SENATE

{ REPORT
119—49

YOUTH POISONING PROTECTION ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 289



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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

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YOUTH POISONING PROTECTION ACT

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Mr. CRUZ, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 289]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 289) to ban the sale of products with a high concentration of sodium nitrite to individuals, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 289 is to ban the sale of any consumer product containing a concentration of 10 or more percent by weight of sodium nitrite.

BACKGROUND AND NEEDS

Sodium nitrite is a widely used chemical salt used in low concentrations to preserve and cure meat and fish.¹ Consumers commonly use sodium nitrite for personal meat preservation—generally with curing salts that contain 6.25 percent sodium nitrite concentration.² Commercially, sodium nitrite is also used as a chemical reagent used in dye and pigment manufacturing, as a metal

¹Susannah Frame, “They Failed The Families’: Amazon Missed Multiple Chances to Stop Selling Chemical Used in Suicides on Its Website,” *King 5 News*, August 13, 2024 (<https://www.king5.com/article/news/investigations/investigators/amazon-missed-multiple-opportunities-to-pull-chemical-used-in-suicides-from-its-website/281-92592431-9d98-4917-a447-f5adae3d2815>).

²National Center for Home Food Preservation, *Cure Smoke Review Curing Foods*, University of Georgia (<https://nchfp.uga.edu/publications/nchfp-publications/literature-reviews/cure-smoke-review-curing-foods>).

coating and corrosion inhibitor, and in pharmaceuticals including as a treatment for vasodilation and cyanide poisoning.³

Although sodium nitrite has many important uses, it can be lethal to consume—even at low concentrations.⁴ Since 2017, the National Poison Data System has shown an increase in self-poisonings by use of sodium nitrite.⁵ Sodium nitrite is inexpensive and sold online, making it easily accessible.⁶ Just one teaspoon of sodium nitrite can be lethal and effects are felt quickly due to its high water solubility, making it more deadly than other poisons.⁷

A 2021 investigation by the New York Times into an online suicide forum found not only that sodium nitrite was becoming popular for self-poisoning, but that online suicide forums were anonymously providing suicide kits or detailed instruction on how to obtain and how to die using substances like sodium nitrite.⁸ Because high concentrations were so easily available on e-commerce sites, including Amazon, which previously sold sodium nitrite at 99 percent purity, it was relatively easy for youth to obtain the ingredients and follow the suicide instructions.⁹ Due to an increased awareness campaign on the use of sodium nitrite for suicide, several online retailers have removed the substance for purchase from their online marketplaces.¹⁰

This legislation would classify consumer products containing a high concentration of sodium nitrite as a banned hazardous product, which would prevent the product from being sold in physical and online stores. There is no intent to affect commercial or industrial uses. The legislation would define a high concentration of sodium nitrite as concentration of 10 percent or more by weight of sodium nitrite.

SUMMARY OF PROVISIONS

S. 289 would require consumer products with high-concentration sodium nitrite—defined as concentration over 10 percent by weight of sodium nitrite—to be considered banned hazardous products in the Consumer Product Safety Act.¹¹ Commercial or industrial uses would not be impacted.

³National Center for Biotechnology Information, PubChem Compound Summary: Sodium Nitrite, CID 23668193, last modified April 19, 2025 (<https://pubchem.ncbi.nlm.nih.gov/compound/Sodium-Nitrite>).

⁴Giuseppe Davide Albano et al., “Systemic Review of Fatal Sodium Nitrite Ingestion Cases: Toxicological and Forensic Implications,” *Toxics*, vol. 12 (2024), no. 12 (<https://www.mdpi.com/2305-6304/12/11/819>).

⁵Sean D. McCann, Marit S. Tweet, and Michael S. Whal, “Rising Incidence and High Mortality in Intentional Sodium Nitrite Exposures Reported to US Poison Centers,” *Clinical Toxicology*, vol. 59 (March 31, 2021), no. 12, pp. 1264–1269 (<https://www.tandfonline.com/doi/full/10.1080/15563650.2021.1905162>).

⁶Jae Chol Yoon and So Eun Kim, “Suicide Attempt Using Sodium Nitrite Ordered on the Internet: Two Case Reports,” *Medicine*, vol. 101 (July 15, 2022), no. 28 (https://journals.lww.com/md-journal/fulltext/2022/07150/suicide_attempt_using_sodium_nitrite_ordered_on.28.aspx); see also *supra* no. 5 at p. 1266.

⁷*Ibid.*

⁸Megan Twohey and Gabriel J.X. Dance, “Where the Despairing Log On, and Learn Ways to Die,” *The New York Times*, December 9, 2021 (<https://www.nytimes.com/interactive/2021/12/09/us/where-the-despairing-log-on.html>).

⁹*Ibid.*

¹⁰*Supra* no. 1; Megan Twohey and Gabriel J.X. Dance, “Lawmakers Press Amazon on Sales of Chemical Used in Suicides,” *The New York Times*, February 4, 2022 (<https://www.nytimes.com/2022/02/04/technology/amazon-suicide-poison-preservative.html>).

¹¹15 U.S.C. 2057.

LEGISLATIVE HISTORY

S. 289, the Youth Poisoning Protection Act, was introduced on January 29, 2025, by Senator Duckworth (for herself and Senators Curtis and Moreno) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senator Baldwin is an additional cosponsor. On March 12, 2025, the Committee met in open Executive Session and, by voice vote, ordered S. 289 to be reported favorably without amendment.

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S. 2233 was introduced on July 11, 2023, by Senator Duckworth (for herself and Senator Vance) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On July 31, 2024, the Committee met in open Executive Session and, by voice vote, ordered S. 2233 to be reported favorably with an amendment (in the nature of a substitute). Senator Collins was later added as a cosponsor.

H.R. 4310, a House companion bill, was introduced on June 22, 2023, by Representative Lori Trahan (for herself and Representatives Carey, Porter, and Stewart) and was referred to the Committee on Energy and Commerce of the House of Representatives. Representatives Clarke, Neguse, Soto, Caraveo, and Maloy became additional cosponsors. On December 6, 2023, that Committee met in open Executive Session, and H.R. 4310 was ordered to be reported by a vote of 42–0. On May 15, 2024, the House passed H.R. 4310 under suspension of the rules by a recorded vote of 376–33.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

At a Glance

Commerce Legislation

As ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 12, 2025

On March 12, 2025, the Senate Committee on Commerce, Science, and Transportation ordered reported 14 bills. This document provides estimates for 3 of those bills. One bill, S. 414, was reported on June 24, 2025. Details of the estimated costs of each bill are discussed in the text.

CBO estimates that enacting each bill would increase spending subject to appropriation.

None of the bills would increase direct spending or revenues; thus, pay-as-you-go procedures do not apply.

CBO estimates that none of the bills would increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2036.

All three bills contain private-sector mandates.

Bill	Net Increase or Decrease (-) in the Deficit Over the 2025-2035 Period (Millions of Dollars)	Changes in Spending Subject to Appropriation Over the 2025-2030 Period (Outlays, Millions of Dollars)	Mandate Effects?
S. 289	0	2	Yes
S. 389	0	8	Yes
S. 414	0	*	Yes

* = between zero and \$500,000.

Summary of legislation: On March 12, 2025, the Senate Committee on Commerce, Science, and Transportation ordered reported 14 bills. This document provides estimates for 3 of those bills. One bill, S. 414, was reported on June 24, 2025.

S. 289 would ban the sale of certain products covered by the Consumer Product Safety Act and S. 389 would require the Consumer Product Safety Commission (CPSC) to adopt voluntary safety standards for lithium-ion batteries. S. 414 would require digital advertising platforms to report annually to the Federal Trade Commission (FTC).

Estimated Federal cost: The costs of the legislation fall within budget functions 370 (commerce and housing credit) and 550 (health).

Basis of estimate: For this estimate, CBO assumes that each bill will be enacted near the end of fiscal year 2025 and that the estimated amounts will be available each year. The cost estimate does not include any effects of interactions among the bills. If all three bills were combined and enacted as a single piece of legislation, the effects could be different from the sum of the separate estimates, although CBO expects that any differences would be small.

S. 289, the Youth Poisoning Protection Act, would ban the sale of products containing 10 percent or more by weight of sodium nitrite that are covered under the Consumer Product Safety Act. The legislation would not affect the sale or use of commercial or industrial products not ordinarily intended for consumer use or consumption.

Using information from the Consumer Product Safety Commission, CBO estimates that implementing S. 289 would cost \$2 million over the 2025–2030 period; any related spending would be subject to the availability of appropriated funds.

S. 389, the Setting Consumer Standards for Lithium-Ion Batteries Act, would require the Consumer Product Safety Commission

within 180 days of enactment, to adopt certain voluntary safety standards—specifically ANSI/CAN/UL 2271, 2849, and 2272—concerning rechargeable lithium-ion batteries used in electric bicycles, scooters, and other micromobility devices. The bill also would require the CPSC to determine the applicable scope of covered consumer products and to monitor and evaluate future revisions to the voluntary standards and report to the Congress within five years of enactment.

Using information from the CPSC, CBO estimates that implementing S. 389 would cost \$8 million over the 2025–2030 period; any related spending would be subject to the availability of appropriated funds.

S. 414, the ADS for Mental Health Services Act, would require certain digital advertising platforms to report annually to the Federal Trade Commission about advertising on their platforms for certain mental health services, including information on the number, percent, and dollar value of such advertisements. Platforms that would be affected by the bill include social media platforms, public facing websites, online services, and mobile applications with more than 100 million unique monthly users. The bill also would require the FTC to report annually to the Congress summarizing that data. CBO estimates that enacting S. 414 would cost less than \$500,000 over the 2025–2030 period. Any related spending would be subject to the availability of appropriated funds.

Pay-as-you-go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. None of the bills would affect direct spending or revenues; thus, pay-as-you-go procedures do not apply.

Increase in long-term net direct spending and deficits: CBO estimates that enacting S. 289, S. 389 and S. 414 would not increase net direct spending or deficits in any of the four consecutive 10-year periods beginning in 2036.

Mandates: All three bills would impose private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). None of the bills would impose intergovernmental mandates.

S. 289, the Youth Poisoning Protection Act, would impose a private-sector mandate as defined in UMRA by banning the sale of consumer products containing 10 percent or more of sodium nitrite by weight. The prohibition would not apply to industrial uses or to food preservation. Because there is only a small market for consumer products containing that much sodium nitrite and some states already have curtailed the sale of products containing sodium nitrite, CBO estimates that the cost of the mandate would not exceed the private-sector threshold established in UMRA (\$206 million in 2025, adjusted annually for inflation).

S. 389, the Setting Consumer Standards for Lithium-Ion Batteries Act, would impose a private-sector mandate as defined in UMRA by requiring manufacturers of electric mobility devices, including bicycles and scooters, to comply with a prospective Consumer Product Safety Commission safety standard related to the risk of fire in lithium-ion batteries. Based on voluntary compliance with the specified standard by domestic manufacturers and current state and local laws requiring compliance, CBO estimates that the cost of the mandate would not exceed the annual private-sector

threshold established in UMRA (\$206 million in 2025, adjusted annually for inflation).

S. 414, the ADS for Mental Health Services Act, would require certain digital advertising platforms to report to the FTC on their public service advertisements for mental and behavioral health. That requirement would impose a private-sector mandate as defined by UMRA. CBO estimates the cost of the mandate would be small and not exceed the threshold established in UMRA (\$206 million in 2025, adjusted annually for inflation) because the mandated entities generally already possess or collect the information required to be reported under the bill.

Estimate prepared by: Federal costs: Cyrus Ekland (for the Consumer Product Safety Commission); Johnny Willing (for the Federal Trade Commission). Mandates: Andrew Laughlin (for the Consumer Product Safety Commission); Rachel Austin (for the Federal Trade Commission).

Estimate reviewed by: Sean Dunbar, Chief, Low-Income Health Programs and Prescription Drugs Cost Estimates Unit; Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

Number of Persons Covered

S. 289 would prohibit the sale of consumer products containing a high concentration of sodium nitrite. Therefore, the number of persons covered is (1) manufacturers of consumer products containing a high concentration of sodium nitrite; and (2) sellers of consumer products containing a high concentration of sodium nitrite.

Economic Impact

S. 289 is expected to have minimal economic impact. Commercial or industrial uses of high concentration sodium nitrite are permitted under this Act. Additionally, large online retailers have already removed consumer products containing a high concentration of sodium nitrite from their websites for purchase.

Privacy

S. 289 would not have a significant impact on the privacy rights of individuals.

Paperwork

S. 289 would not generate any additional paperwork.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions

contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section would provide that the bill may be cited as the “Youth Poisoning Protection Act”.

Section 2. Banning of products containing a high concentration of sodium nitrite

Subsection (a) would provide that any consumer product with a high concentration of sodium nitrite shall be a banned hazardous product under section 8 of the Consumer Product Safety Act.¹²

Subsection (b) would create a rule of construction that nothing in this section shall be construed to (1) prohibit commercial or industrial purposes of high concentration sodium nitrite that are not customarily produced or distributed for sale to, or use or consumption by, or enjoyment of, a consumer; and (2) apply to high concentration sodium nitrite that meets the definition of the terms “drug”, “device”, or “cosmetic” (as defined in the Federal Food, Drug, and Cosmetic Act¹³) or “food”, including poultry, poultry products, meat and meat food products, or egg and egg products.

Subsection (c) would provide definitions: (1) the term “consumer product” has the same meaning given under section 3(a)(5) of the Consumer Product Safety Act;¹⁴ (2) the term “high concentration of sodium nitrite” means a concentration of 10 or more percent by weight of sodium nitrite.

Subsection (d) would provide for the effective date of this Act to be 90 days after enactment.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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¹² 15 U.S.C. 2057.

¹³ 21 U.S.C. 321.

¹⁴ 15 U.S.C. 2052.