

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

*In the Year Two Thousand and Ten*

AN ACT REQUIRING ENGINE COOLANT AND ANTIFREEZE TO CONTAIN A BITTERING AGENT SO AS TO RENDER IT UNPALATABLE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Chapter 94 of the General Laws is hereby amended by inserting after section 303M the following section:-

Section 303N. Notwithstanding any general or special law, rule or regulation to the contrary, except as may be otherwise provided in this section, engine coolant or antifreeze containing more than 10 per cent ethylene glycol that is manufactured after January 1, 2011 may not be sold in the commonwealth unless said engine coolant and antifreeze shall include denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million as a bittering agent within the product so as to render it unpalatable.

A manufacturer of a product for sale in the commonwealth subject to this section shall maintain a record of the trade name, scientific name and active ingredients of the bittering agent used pursuant to this section, and that information shall be available to the public upon request.

A manufacturer, processor, distributor, recycler or seller of an engine coolant or antifreeze that is required to contain an aversive agent, as described in the first paragraph, shall not be liable for personal injury or death incurred by a resident of the commonwealth, or for any property damage, or damage to the environment, including natural resources, or economic loss that results from the inclusion of denatonium benzoate in the engine coolant or antifreeze, provided that the inclusion of denatonium benzoate is present in concentrations described and mandated by the first paragraph. The limitation on liability, as provided in this paragraph, shall not apply to a particular liability to the extent that the cause of that liability is found to be unrelated to the inclusion of denatonium benzoate in the engine coolant or antifreeze.

A city or town, or any subdivision thereof, shall not establish or continue in effect a local ordinance or policy concerning retail containers of engine coolant or antifreeze sold in that city or town, which in any manner shall limit or otherwise prohibit the inclusion of a bittering agent in the

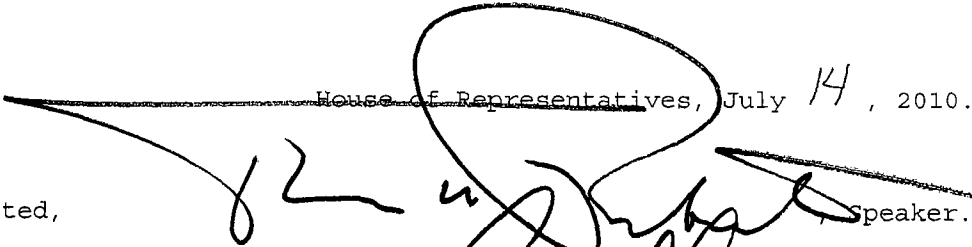
engine coolant or antifreeze that is in any way different from, or in addition to, the provisions of this section.

This section shall not prevent the sale of a motor vehicle in the commonwealth where engine coolant or antifreeze may be found in the radiator of the motor vehicle that does not meet the provisions of the first paragraph of this section. This section shall also not apply to wholesale containers of engine coolant or antifreeze containing 55 gallons or more of engine coolant or antifreeze.

A person who violates this section shall be subject to the penalty set forth in section 303M for each violation.

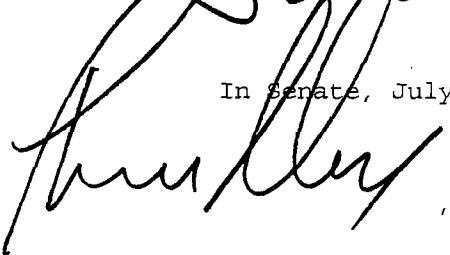
~~House of Representatives,~~ July 14, 2010.

Passed to be enacted,

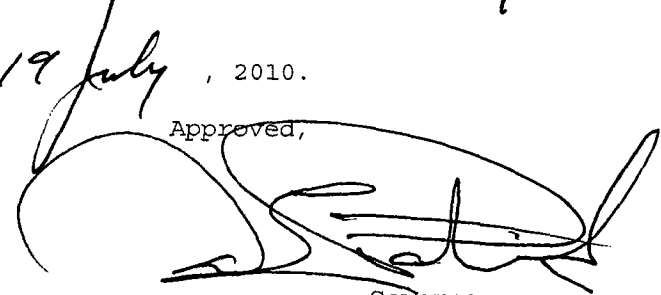
 Speaker.

In Senate, July 15, 2010.

Passed to be enacted,

 President.

19 July, 2010.  
Approved,

  
Governor.

House, No. 4285

204.  
P.7

Senate, FEB - 8 2010

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

**BILL TO REQUIRE ENGINE COOLANT AND ANTIFREEZE TO CONTAIN A BITTERING AGENT SO AS TO RENDER IT UNPALATABLE.**

*William Welch*, Clerk.

OCT 20 2009  
H.R.,  
Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Senate Committee on BTR  
Correctly drawn  
*John Hart*  
For the Committee

NOV 17 2009  
*Steven T. James*, Clerk.  
Reported; and placed in O.D. for a second reading.  
*Law R. Hoff*  
For the Committee.

JUL 13 2010 - OP -  
Rules suspended  
(Unanimous consent).  
Read 2nd. & Ord. 3rd.;  
Read 3rd. & Engrossed.

NOV 17 2009

— Read 2nd. & ord. 3rd

Correctly drawn,  
*Amelia Rodriguez* for B.T.R.

FEB 4 2010

-Read 3rd. & engrossed

# The Commonwealth of Massachusetts

House of Representatives, October, 2009, 199

The committee on Consumer Protection and Professional Licensure  
to whom was referred the petition (accompanied by bill \_\_\_\_\_, House, No. 398)

~~By Mr. Scibak of Hadley, (accompanied by bill House, No. 398), a petition of John W. Scibak, Stephen Kulik and others for legislation to provide a bittering agent in engine coolant and antifreeze, Consumer Protection and Professional Licensure.~~

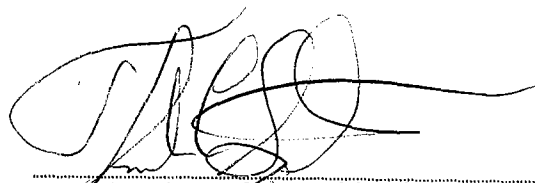
and the petition

~~By Mr. Walsh of Boston, (accompanied by bill House, No. 399), a petition of Martin J. Walsh and William Trabuco relative to bittering agents in engine coolant and antifreeze, Consumer Protection and Professional Licensure.~~

and the petition

~~By Mr. Welch of West Springfield, (accompanied by bill House, No. 400), a petition of Cynthia Stone Creem, James T. Welch and others that producers and distributors of anti-freeze be required to add bittering agents,~~

**REPORT** recommending that the ~~bill~~ <sup>X</sup>accompanying bill (House, No. 4285) ~~be resolved~~ ~~accompanying said petition~~ ought to pass.



Theodore C. Speliotis For the Committee.

**HOUSE . . . . . No. 4285**

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**The Commonwealth of Massachusetts**

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By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 398, 399 and 400, a Bill to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable. (House, No. 4285).

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**AN ACT TO REQUIRE ENGINE COOLANT AND ANTIFREEZE TO CONTAIN  
A BITTERING AGENT SO AS TO RENDER IT UNPALATABLE. .**

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FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Theodore C. Speliotis	13th Essex

# The Commonwealth of Massachusetts

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Senate, JUL 13 2010

*The committee on Ethics and Rules to whom was referred the*

House bill requiring engine coolant and antifreeze to contain a bittering agent so as to render it inpalatable (House, No. 4285).

**REPORT** that the matter be placed in the Orders of the Day  
for the next session.



For the committee.

The Commonwealth of Massachusetts

In the Year Two Thousand and ~~Nine~~ <sup>TEN</sup>

REQUIRING

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An Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 ~~SECTION 1.~~ Chapter 94 <sup>of</sup> the General Laws, as appearing in the 2008 Official Edition, is  
2 hereby amended by inserting after section 303M the following ~~new~~ section:-

3 Section 303N. Notwithstanding any ~~General or special law, or any rule or regulation to the contrary,~~  
4 except as may be otherwise provided in this section, engine coolant or antifreeze containing more than 10  
5 percent ethylene glycol that is manufactured after January 1, 2011 may not be sold in the ~~Commonwealth~~  
6 unless said engine coolant and antifreeze shall include denatonium benzoate at a minimum of 30 parts per  
7 million and a maximum of 50 parts per million as a bittering agent within ~~such~~ <sup>the</sup> product so as to render it  
8 unpalatable.

9 ~~Notwithstanding any General or special law, or any rule or regulation to the contrary, any~~ manufacturer of  
10 ~~any~~ product for sale in the ~~Commonwealth~~, subject to this section shall maintain a record of the trade  
11 name, scientific name, and active ingredients of ~~any~~ <sup>the</sup> bittering agent used pursuant to this section, and ~~such~~ <sup>that</sup>  
12 information shall be available to the public upon request.

13 ~~Notwithstanding any General or special law, or any rule or regulation to the contrary, a~~ manufacturer,  
14 processor, distributor, recycler or seller of an engine coolant or antifreeze that is required to contain an  
15 aversive agent, as described in the first paragraph of this section, shall not be liable for ~~any~~ personal  
16 injury or death incurred by ~~any~~ <sup>a</sup> resident of the ~~Commonwealth~~, or ~~to~~ <sup>to</sup> any property damage, or damage to  
17 the environment, ~~including natural resources,~~ or economic loss that results from the inclusion of  
18 denatonium benzoate in ~~any~~ <sup>the</sup> engine coolant or antifreeze, provided that the inclusion of denatonium  
19 benzoate is present in concentrations described and mandated by ~~paragraph one of this section.~~ <sup>the first</sup> The  
20 limitation on liability, as provided in ~~the first sentence of this paragraph,~~ shall not apply to a particular  
21 liability to the extent that the cause of ~~such~~ <sup>that</sup> liability is found to be unrelated to the inclusion of  
22 denatonium benzoate in ~~any~~ <sup>the</sup> engine coolant or antifreeze.

23 ~~Notwithstanding any General or special law, or any rule or regulation to the contrary, no~~ <sup>A</sup> city or town, ~~nor~~  
24 any subdivision thereof, shall <sup>not</sup> ~~establish~~ or continue in effect ~~any~~ local ordinance or policy concerning  
25 ~~any~~ retail containers of engine coolant or antifreeze sold in ~~said~~ <sup>that</sup> city or town, which in any manner shall  
26 limit or otherwise prohibit the inclusion of a bittering agent in ~~said~~ <sup>the</sup> engine coolant or antifreeze that is in  
27 any way different from, or in addition to, the provisions of this section.

28 ~~The provisions of~~ this section shall not prevent the sale of ~~any~~ motor vehicle in the  
29 ~~Commonwealth~~ where ~~any~~ engine coolant or antifreeze may be found in the radiator of ~~said~~ <sup>the</sup>  
30 motor vehicle that does not meet the provisions of ~~paragraph one~~ <sup>(the first)</sup> of this section. ~~The provisions~~  
31 ~~of~~ this section shall also not apply to wholesale containers of engine coolant or antifreeze  
32 ~~containing~~ 55 gallons or more of engine coolant or antifreeze.

33 ~~Any~~ person <sup>who</sup> ~~found~~ to have violated <sup>s</sup> ~~the provisions of~~ this section shall be subject to the penalty set forth in  
34 ~~Section 303M of this chapter~~ for each ~~such~~ violation.



# HOUSE . . . . . No. 398

By Mr. Scibak of Hadley, (accompanied by bill House, No. 398), a petition of John W. Scibak, Stephen Kulik and others for legislation to provide a bittering agent in engine coolant and antifreeze. Consumer Protection and Professional Licensure.

HD2118

## The Commonwealth of Massachusetts

HOUSE OF  
REPRESENTATIVES,

January 20, 2009.

Referred to the committee  
on

CONSUMER  
PROTECTION AND  
PROFESSIONAL  
LICENSURE.

  
Clerk.

SENATE,  
January 20, 2009.

The Senate concurs.



# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO REQUIRE ENGINE COOLANT AND ANTIFREEZE TO CONTAIN A BITTERING AGENT SO AS TO RENDER IT UNPALATABLE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. ADDITION OF BITTERING AGENT REQUIRED.

2 (a) IN GENERAL. — Any engine coolant or antifreeze that is manufactured after January 1,  
3 2011, and that contains more than 10 percent ethylene glycol, shall include denatonium benzoate at a  
4 minimum of 30 parts per million and a maximum of 50 parts per million as a bittering agent within the  
5 product so as to render it unpalatable.

6 (b) RECORD KEEPING. — A manufacturer of a product subject to this section shall maintain a  
7 record of the trade name, scientific name, and active ingredients of any bittering agent used pursuant to  
8 this section. Such information shall be available to the public upon request.

9 (c) LIABILITY LIMITATION. — (i) Subject to subsection (c)(ii), a manufacturer, processor,  
10 distributor, recycler or seller of an engine coolant or antifreeze that is required to contain an aversive  
11 agent under subsection (a) shall not be liable to any person for any personal injury, death, property  
12 damage, damage to the environment (including natural resources), or economic loss that results from the  
13 inclusion of denatonium benzoate in any engine coolant or antifreeze, provided that the inclusion of  
14 denatonium benzoate is present in concentrations mandated by subsection (a). (ii) The limitation on

15 liability provided in subsection (c)(i) does not apply to a particular liability to the extent that the cause of  
16 such liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.

17 (d) PREEMPTION. — No local government, municipality, or other political  
18 subdivision of this State shall have any authority either to establish or continue in effect with respect to  
19 retail containers containing less than 55 gallons of engine coolant or antifreeze any prohibition, limitation,  
20 standard or other requirement relating to the inclusion of a bittering agent in engine coolant or antifreeze  
21 that is in any way different from, or in addition to, the provisions of this chapter.

22 (e) EXEMPTION. — The requirements of this section shall not be construed to apply to —

23 (1) the sale of a motor vehicle that contains engine coolant or antifreeze; or

24 (2) wholesale containers of engine coolant or antifreeze containing 55 gallons or more of  
25 engine coolant or antifreeze.

**HOUSE . . . . . No. 398**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**John W. Scibak**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John W. Scibak	2nd Hampshire
Stephen Kulik	1st Franklin
Steven J. D'Amico	4th Bristol
Denise Provost	27th Middlesex
Jennifer M. Callahan	18th Worcester
Karen E. Spilka	Second Middlesex and Norfolk
Brian A. Joyce	Norfolk, Bristol and Plymouth

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# HOUSE . . . . . No. 399

By Mr. Walsh of Boston, (accompanied by bill House, No. 399), a petition of Martin J. Walsh and William Trabuco relative to bittering agents in engine coolant and anitfreeze.  
Consumer Protection and Professional Licensure.

HD3012

## The Commonwealth of Massachusetts

HOUSE OF  
REPRESENTATIVES,

January 20, 2009.

Referred to the committee  
on

CONSUMER  
PROTECTION AND  
PROFESSIONAL  
LICENSURE.

  
Clerk.

SENATE,  
January 20, 2009.

The Senate concurs.



**House, No. 399**

**BILL RELATIVE TO CONSUMER  
PRODUCTS.**

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# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## AN ACT RELATIVE TO CONSUMER PRODUCTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Requiring an average or bittering agent in engine coolant and antifreeze

**HOUSE . . . . . No. 399**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Martin J. Walsh**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act Relative to Consumer Products.**

PETITION OF: William Trabuco

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	13th Suffolk

# HOUSE . . . . . No. 400

By Mr. Welch of West Springfield, (accompanied by bill House, No. 400), a petition of Cynthia Stone Creem, James T. Welch and others that producers and distributors of anti-freeze be required to add bittering agents. Consumer Protection and Professional Licensure.

HD2423

## The Commonwealth of Massachusetts

HOUSE OF  
REPRESENTATIVES,

January 20, 2009.

Referred to the committee  
on

CONSUMER  
PROTECTION AND  
PROFESSIONAL  
LICENSURE.

  
Clerk.

SENATE,  
January 20, 2009.

The Senate concurs.



**House, No. 400**

**BILL RELATIVE TO THE SALE OF  
ANTI-FREEZE.**

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO THE SALE OF ANTI-FREEZE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after section 303 K the  
2 following section:-

3 Section 303K ½ .

4 A. Engine coolant or antifreeze sold in the commonwealth on or after January 1, 2010 that is  
5 manufactured on or after September 1, 2009 and that contains more than 10 per cent ethylene glycol shall  
6 include denatonium benzoate at a minimum of thirty parts per million and a maximum of 50 parts per  
7 million as an aversive or bittering agent in the product to render it unpalatable. Another aversive agent  
8 may be used if it meets or exceeds the degree of aversion in test subjects obtained by utilizing the  
9 formulation of 30 parts per million of denatonium benzoate in antifreeze. A manufacturer or packager of  
10 engine coolant or antifreeze subject to this section shall maintain a record of the trade name, scientific  
11 name and active ingredients of the aversive or bittering agent used pursuant to this section.

12 A manufacturer or packager of engine coolant or antifreeze shall furnish information and documentation  
13 maintained pursuant to this section to a member of the public on request.

14 B. This section applies only to manufacturers, packagers, and distributors, recyclers of sellers of engine  
15 coolant or antifreeze. For purposes of this section, selling does not include the installation of engine  
16 coolant or antifreeze for compensation.

17 C. A manufacturer, packager, distributor, recycler or seller of engine coolant or antifreeze that is required  
18 to contain an aversive or bittering agent pursuant to this section is not liable to any person for personal  
19 injury, death, property damage, damage to the environment or natural resources or economic loss that  
20 results from the inclusion of denatonium benzoate in the engine coolant or antifreeze.

21 D. The limitation on liability provided in subsection C applies only if denatonium benzoate is included in  
22 engine coolant or antifreeze in the concentrations required by this section. The limitation on liability  
23 provided in Subsection C does not apply to a particular liability to the extent that the cause of that liability  
24 is unrelated to the inclusion of denatonium benzoate in engine coolant or antifreeze.

25 E. A political subdivision shall not establish or continue in effect a prohibition, limitation, standard or  
26 other requirement relating to the inclusion of an aversive or bittering agent in engine coolant or antifreeze,  
27 with respect to retail containers containing less than 55 gallons of engine coolant or antifreeze, that is  
28 different from, or in addition to, this section.

29 F. This section does not apply to either:

30 1. The sale of a motor vehicle that contain engine coolant or antifreeze.

31 2. Wholesale containers of engine coolant or antifreeze containing 55 gallons or more of engine  
32 coolant or antifreeze.

33 G. The division may inspect, investigate, analyze and take appropriate actions to administer and enforce  
34 this section.

**HOUSE . . . . . No. 400**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**James T. Welch**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the sale of anti-freeze.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia Stone Creem	
James T. Welch	6th Hampden
Robert L. Hedlund	Plymouth and Norfolk
Stephen Kulik	1st Franklin
Stephen L. DiNatale	3rd Worcester
William N. Brownsberger	24th Middlesex
Jennifer Benson	37th Middlesex
Thomas M. Stanley	9th Middlesex
Cheryl A. Coakley-Rivera	10th Hampden
Carl M. Sciortino, Jr.	34th Middlesex
Elizabeth A. Malia	11th Suffolk
Paul McMurtry	11th Norfolk
James T. Welch	6th Hampden