

HOUSE No. 398

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

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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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:

SECTION 1. ADDITION OF BITTERING AGENT REQUIRED.

(a) IN GENERAL. — Any engine coolant or antifreeze that is manufactured after January 1, 2011, and that contains more than 10 percent ethylene glycol, 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.

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

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

denatonium benzoate is present in concentrations mandated by subsection (a). (ii) The limitation on liability provided in subsection (c)(i) does not apply to a particular liability to the extent that the cause of such liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.

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

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

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

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