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MASSACHUSETTS BILL TEXT

VERSION: Adopted

July 19, 2010

Joint Committee on Consumer Protection & Professional Licensure

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

TEXT:

Chapter 168 of the Acts of 2010

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:

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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.

Approved July 19, 2010

2009 MA H.B. 4285 (NS)

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