

Legislative History of MA ST 94 § 303N  
Sale Of Engine Coolant Or Antifreeze Not Containing A Bittering Agent Prohibited

The Statute:

Section 303N prohibits the sale, in Massachusetts, of engine coolant and antifreeze, manufactured after January 1, 2011, with more than 10% ethylene glycol, content unless it contains between 30 and 50 parts per million, inclusive, of denatonium benzoate to render it unpalatably bitter. MASS. GEN. LAWS ch. 94, § 303N (2010).

Section 303N requires manufacturers selling coolant and antifreeze in Massachusetts to keep records with regard to the bittering agent used to satisfy this requirement, id., and exculpates manufacturers, processors, distributors, recyclers, and sellers from liability for personal injury to, or death of, a Massachusetts resident, and property and environmental damage, including economic loss, resulting from compliance with this statute as to denatonium benzoate. Id.

This Section pre-empts local law to the extent it limits or prohibits, in a manner different from or additional to this section, the inclusion of a bittering agent in retail coolant and antifreeze. Id.

This Section does not apply to the sale of a vehicle, within Massachusetts, the engine of which contains coolant or antifreeze not in compliance with this section, id., or the wholesale of 55 gallon or greater units of coolant and antifreeze. Id.

Violation of this Section is penalized under section 303M. Id.

It's Legislative History:

I first searched <http://www.malegislature.gov/bills/search> for, separately, "coolant," "antifreeze," and "bittering." This yielded the bill, H4285, that ultimately became Section 303N, and three earlier versions (H398, H399, H400). I also compiled a calendar of the bills' legislative history (report and reading dates, et c) from information available on the web-site. I then searched Westlaw - under the search options under the Massachusetts, Statutes & Legislative Materials tabs - for the same words (again, separately). This yielded 4 Senate and 5 House journals, the session law, and the statute, as well as a history of H398 and H4285, and another text of H4285, as enacted as Chapter 168, as codified as Section 303N. I also received 2 files from the Governor (copies of the bills marked-up by hand), and 3 files from the House Chairman of the Joint Committee on Consumer Protection & Professional Licensure (statements in support of H398 from the Humane Society and Consumer Specialty Products Association).

I found a file on the State Library's web-site which contained the 2 line transcript of a "debate" on the bill (each party speaking in support of the bill), which I saved as a file but can no longer access because, I suppose, I am no longer logged-in to the system. The State Library, otherwise, had no information I had not already found elsewhere. The Governor had not

produced a legislative package on this statute, and the Senate Chairman of the Joint Committee had no information to share with me. I also searched <http://www.mass.gov/legis/journal/main.htm>, but this revealed only the same journal entries I had found on Westlaw. The State House News Service web-site was similarly unavailing. There was nothing in the audio and video archives, and nothing in the Daily Digest or resulting from an internal search that I had not already found elsewhere. I did, however, compile information I found within the SHNS and PR archives.

Unless you have other suggestions, I believe I have exhausted the available resources. Rep. Speliotis (the House Chairman of the Joint Committee) might have additional, confidential information that his office was unwilling to share with me. Also, if necessary, I can return to the State Library to, again, access the "debate" transcript I found on its web-site.