

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

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.