

HOUSE No. 398

The Commonwealth of Massachusetts

In the Year Two Thousand 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
3 January 1, 2011, and that contains more than 10 percent ethylene glycol, shall include
4 denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per
5 million as a bittering agent within the product so as to render it unpalatable.

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

10 (c) LIABILITY LIMITATION. — (i) Subject to subsection (c)(ii), a
11 manufacturer, processor, distributor, recycler or seller of an engine coolant or antifreeze that is
12 required to contain an aversive agent under subsection (a) shall not be liable to any person for
13 any personal injury, death, property damage, damage to the environment (including natural

14 resources), or economic loss that results from the inclusion of denatonium benzoate in any
15 engine coolant or antifreeze, provided that the inclusion of denatonium benzoate is present in
16 concentrations mandated by subsection (a). (ii) The limitation on liability provided in subsection
17 (c)(i) does not apply to a particular liability to the extent that the cause of such liability is
18 unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.

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

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

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

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