

HOUSE No. 400

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 section 303 K the following section:-

3 Section 303K ½ .

4 A. Engine coolant or antifreeze sold in the commonwealth on or after January 1, 2010
5 that is manufactured on or after September 1, 2009 and that contains more than 10 per cent
6 ethylene glycol shall include denatonium benzoate at a minimum of thirty parts per million and a
7 maximum of 50 parts per million as an aversive or bittering agent in the product to render it
8 unpalatable. Another aversive agent may be used if it meets or exceeds the degree of aversion in
9 test subjects obtained by utilizing the formulation of 30 parts per million of denatonium benzoate
10 in antifreeze. A manufacturer or packager of engine coolant or antifreeze subject to this section
11 shall maintain a record of the trade name, scientific name and active ingredients of the aversive
12 or bittering agent used pursuant to this section.

13 A manufacturer or packager of engine coolant or antifreeze shall furnish information and
14 documentation maintained pursuant to this section to a member of the public on request.

15 B. This section applies only to manufacturers, packagers, and distributors, recyclers of
16 sellers of engine coolant or antifreeze. For purposes of this section, selling does not include the
17 installation of engine coolant or antifreeze for compensation.

18 C. A manufacturer, packager, distributor, recycler or seller of engine coolant or antifreeze
19 that is required to contain an aversive or bittering agent pursuant to this section is not liable to
20 any person for personal injury, death, property damage, damage to the environment or natural
21 resources or economic loss that results from the inclusion of denatonium benzoate in the engine
22 coolant or antifreeze.

23 D. The limitation on liability provided in subsection C applies only if denatonium
24 benzoate is included in engine coolant or antifreeze in the concentrations required by this
25 section. The limitation on liability provided in Subsection C does not apply to a particular
26 liability to the extent that the cause of that liability is unrelated to the inclusion of denatonium
27 benzoate in engine coolant or antifreeze.

28 E. A political subdivision shall not establish or continue in effect a prohibition, limitation,
29 standard or other requirement relating to the inclusion of an aversive or bittering agent in engine
30 coolant or antifreeze, with respect to retail containers containing less than 55 gallons of engine
31 coolant or antifreeze, that is different from, or in addition to, this section.

32 This section does not apply to either:

33 The sale of a motor vehicle that contain engine coolant or antifreeze.

34 Wholesale containers of engine coolant or antifreeze containing 55 gallons or more of
35 engine coolant or antifreeze.

36 G. The division may inspect, investigate, analyze and take appropriate actions to
37 administer and enforce this section.