

HOUSE No. 4285

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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

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 or the General laws, as appearing in the 2008 Official Edition,

2 is

3 hereby amended by inserting after section 303M the following new section:-

4 Section 303N. Notwithstanding any General or special law, or any rule or regulation to
5 the contrary, except as may be otherwise provided in this section, engine coolant or antifreeze
6 containing more than 10 percent ethylene glycol that is manufactured after January 1, 2011 may
7 not be sold in the Commonwealth unless said engine coolant and antifreeze shall include
8 denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per
9 million as a bittering agent within such product so as to render it unpalatable.

10 Notwithstanding any General or special law, or any rule or regulation to the contrary, any
11 manufacturer of any product for sale in the Commonwealth subject to this section shall maintain
12 a record of the trade name, scientific name, and active ingredients of any bittering agent used
13 pursuant to this section, and such information shall be available to the public upon request.

14 Notwithstanding any General or special law, or any rule or regulation to the contrary, a
15 manufacturer, processor, distributor, recycler or seller of an engine coolant or antifreeze that is
16 required to contain an aversive agent, as described in the first paragraph of this section, shall not
17 be liable for any personal injury or death incurred by any resident of the Commonwealth, or to
18 any property damage, or damage to the environment (including natural resources), or economic
19 loss that results from the inclusion of denatonium benzoate in any engine coolant or antifreeze,
20 provided that the inclusion of denatonium benzoate is present in concentrations described and
21 mandated by paragraph one of this section. The limitation on liability, as provided in the first
22 sentence of this paragraph, shall not apply to a particular liability to the extent that the cause of
23 such liability is found to be unrelated to the inclusion of denatonium benzoate in any engine
24 coolant or antifreeze.

25 Notwithstanding any General or special law, or any rule or regulation to the contrary, no
26 city or town, nor any subdivision thereof, shall establish nor continue in effect any local
27 ordinance or policy concerning any retail containers of engine coolant or antifreeze sold in said
28 city or town, which in any manner shall limit or otherwise prohibit the inclusion of a bittering
29 agent in said engine coolant or antifreeze that is in any way different from, or in addition to, the
30 provisions of this section.

31 The provisions of this section shall not prevent the sale of any motor vehicle in the
32 Commonwealth where any engine coolant or antifreeze may be found in the radiator of said
33 motor vehicle that does not meet the provisions of paragraph one of this section. The provisions
34 of this section shall also not apply to wholesale containers of engine coolant or antifreeze
35 containing 55 gallons or more of engine coolant or antifreeze.

36 Any person found to have violated the provisions of this section shall be subject to the
37 penalty set forth in Section 303M of this chapter for each such violation.