

**HOUSE . . . . . No.**

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**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:

James T. Welch

6<sup>th</sup> Hampden

Cynthia Stone Creem

1<sup>st</sup> Middlesex and Norfolk

Robert Hedlund

Plymouth and Norfolk

Stephen Kulik

1<sup>st</sup> Franklin

# 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  
6 shall include denatonium benzoate at a minimum of thirty parts per million and a maximum of 50 parts  
7 per million as an aversive or bittering agent in the product to render it unpalatable. Another aversive  
8 agent 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  
10 of engine coolant or antifreeze subject to this section shall maintain a record of the trade name,  
11 scientific 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  
13 documentation 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  
18 required to contain an aversive or bittering agent pursuant to this section is not liable to any person for  
19 personal injury, death, property damage, damage to the environment or natural resources or economic  
20 loss that 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  
24 liability 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  
27 antifreeze, with respect to retail containers containing less than 55 gallons of engine coolant or  
28 antifreeze, that is different from, or in addition to, this section.

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30 F. This section does not apply to either:

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- 32 1. The sale of a motor vehicle that contain engine coolant or antifreeze.
- 33 2. Wholesale containers of engine coolant or antifreeze containing 55 gallons or more of engine  
34 coolant or antifreeze.

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

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