

1 SB374
2 137793-1
3 By Senator Ward
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 28-FEB-12

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8 SYNOPSIS: Under existing law, antifreeze and other
9 engine coolants are not required to contain a
10 bittering agent so as to render them unpalatable.

11 This bill would require all antifreeze or
12 other engine coolants sold in this state to contain
13 the bitter agent denatonium benzoate.

14 This bill would provide a limitation of
15 liability to a manufacturer, distributor, recycler,
16 or seller of antifreeze or other engine coolant for
17 any loss resulting from the inclusion of denatonium
18 benzoate in its antifreeze or like engine coolant
19 so long as it is present in the proper
20 concentrations.

21 This bill would provide exceptions.

22 This bill would prohibit local laws and
23 ordinances that impose requirements in addition to
24 the requirements imposed in this bill.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To require certain engine coolants and antifreeze to
4 contain a bittering agent so as to render it unpalatable; to
5 require a manufacturer to maintain certain records; to provide
6 a limitation of liability; to provide exceptions; and to
7 prohibit certain local laws and ordinances that impose
8 different standards.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) Any antifreeze or other engine
11 coolant sold in this state that is manufactured after January
12 1, 2012, and that contains more than 10 percent ethylene
13 glycol, shall include denatonium benzoate at a minimum of 30
14 parts per million and a maximum of 50 parts per million as a
15 bittering agent within the product so as to render it
16 unpalatable.

17 (b) A manufacturer of a product subject to this
18 section that is sold in this state shall maintain a record of
19 the trade name, scientific name, and active ingredients of any
20 bittering agent used pursuant to this section. The information
21 shall be available to the public upon request.

22 (c) (1) Subject to subdivision (2), a manufacturer,
23 processor, distributor, recycler, or seller of antifreeze or
24 other engine coolant that is required to contain an aversive
25 agent under subsection (a) shall not be liable to any person
26 for any personal injury, death, property damage, damage to the
27 environment, including natural resources, or economic loss

1 that results from the inclusion of denatonium benzoate in any
2 antifreeze or other engine coolant, provided that the
3 denatonium benzoate is present in concentrations mandated by
4 subsection (a).

5 (2) The limitation on liability provided in
6 subdivision (1) does not apply to a particular liability to
7 the extent that the cause of the liability is unrelated to the
8 inclusion of denatonium benzoate in the antifreeze or other
9 engine coolant.

10 (d) No county or municipality may provide by local
11 law or ordinance any prohibition, limitation, standard, or
12 other requirement relating to the inclusion of a bittering
13 agent in antifreeze or other engine coolant that is in any way
14 different from, or in addition to, this section.

15 (e) This section does not apply to either of the
16 following:

17 (1) The sale of a motor vehicle that contains
18 antifreeze or another engine coolant.

19 (2) Wholesale containers of antifreeze and other
20 engine coolants containing 55 gallons or more of antifreeze or
21 engine coolant.

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.