



H.B. 38

127th General Assembly

(As Introduced)

Reps. Skindell, D. Stewart, Fessler, Foley, B. Williams, Koziura, J. McGregor, DeGeeter, Collier, J. Stewart, DeBose, Dodd, Garrison, Stebelton, Hughes, R. Hagan, Okey, Webster, Bolon, Sayre, Brady, Beatty

BILL SUMMARY

- Requires engine coolant or antifreeze that contains more than 10% ethylene glycol to include a bittering agent to render the engine coolant or antifreeze unpalatable, and requires manufacturers, packagers, distributors, recyclers, and sellers of engine coolant or antifreeze to comply with the requirement.
- Requires a manufacturer or packager of engine coolant or antifreeze that is subject to the bill to maintain a record of the trade name, scientific name, and active ingredients of the bittering agent included in the engine coolant or antifreeze, and requires a manufacturer or packager to furnish the record to members of the public upon request.
- Authorizes the Director of Agriculture to enforce the bill, and establishes criminal penalties for failure to comply with the bill.
- Exempts from the bill the sale of a motor vehicle that contains engine coolant or antifreeze and a wholesale container of engine coolant or antifreeze containing 55 or more gallons of antifreeze.

CONTENT AND OPERATION

The bill specifies that, except as provided in the bill (see below), beginning July 1, 2007, engine coolant or antifreeze sold in Ohio that contains more than 10% ethylene glycol and that is manufactured after December 1, 2006, must include a bittering agent to render the engine coolant or antifreeze unpalatable. The bittering agent must consist of denatonium benzoate in a concentration of not less than 30 parts per million and not more than 50 parts per million. The bill then

states that its provisions apply to manufacturers, packagers, distributors, recyclers, and sellers of engine coolant or antifreeze. (Sec. 901.90(A).)

Under the bill, a manufacturer or packager of engine coolant or antifreeze that is subject to the bill must maintain a record of the trade name, scientific name, and active ingredients of the bittering agent included in the engine coolant or antifreeze and, upon request, must furnish a member of the public with the information contained in the record (sec. 901.90(B)).

The bill prohibits a manufacturer, packager, distributor, recycler, or seller of engine coolant or antifreeze from failing to comply with its requirements by offering or distributing for sale in Ohio engine coolant or antifreeze that does not include denatonium benzoate as required by the bill. Further, the bill prohibits a manufacturer or packager from failing to comply with its record keeping requirements. (Sec. 901.90(C).) The Director of Agriculture is authorized to conduct investigations and inspections and take other actions necessary to enforce the bill (sec. 901.90(F)). Persons violating the bill are guilty of a misdemeanor and must be fined not more than \$1,000 (sec. 901.99(G)).

Under the bill, a manufacturer, packager, distributor, recycler, or seller that is subject to the bill is not liable for any bodily injury, death, or damage to property or the environment that results from the inclusion of denatonium benzoate in engine coolant or antifreeze in the concentration required by the bill unless the bodily injury, death, or damage to property or the environment results from the willful or wanton misconduct of the manufacturer, packager, distributor, recycler, or seller, as applicable (sec. 901.90(D)).

Finally, the bill declares that its provisions do not apply to either of the following:

- (1) The sale of a motor vehicle that contains engine coolant or antifreeze; or
- (2) A wholesale container of engine coolant or antifreeze containing 55 or more gallons of antifreeze. (Sec. 901.90(E).)

HISTORY

ACTION	DATE
Introduced	02-20-07

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