

2009 DRAFTING REQUEST

Bill

Received: **02/19/2010**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Christine Sinicki (608) 266-8588**

By/Representing: **Mary Beth George**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sinicki@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require bittering agent in antifreeze

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 02/22/2010	bkraft 02/22/2010		_____			State
/P1	csundber 02/24/2010	bkraft 02/24/2010	rschluet 02/22/2010	_____	sbasford 02/22/2010		State
/1			rschluet 02/25/2010	_____	sbasford 02/25/2010	mbarman 02/25/2010	

FE Sent For: "/1" @ intro. 3/11/10

<END>

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/1 bjk 2/24


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/?	csundber	P1 bjk 2/22		_____			
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FE Sent For:

<END>

22210

Miller, Steve

From: George, Mary Beth
Sent: Friday, February 19, 2010 2:28 PM
To: Miller, Steve
Cc: Sinicki, Christine
Subject: FW: antifreeze support & stats
Attachments: MA Joint Antifreeze Support One-pager_sa.doc.SA[1].doc

Hi Steve,

Rep. Sinicki asked me to send this over to you for drafting. She's putting an "Urgent" stamp on it, because she'd like to get the draft by next Wednesday at noon.
Do you think that's doable?

Mary Beth George

*Office of State Rep. Christine Sinicki
(Chair, Assembly Committee on Labor)
Room 114 North Capitol
P.O. Box 8953, Madison WI 53708
608/266-8588 or 888/534-0020 (t-f)
608/282-3620 (fx)
marybeth.george@legis.wi.gov*

From: AJ Wilson [mailto:aj@broydrick.com]
Sent: Wednesday, February 17, 2010 9:43 AM
To: George, Mary Beth
Subject: antifreeze support & stats

Mary Beth,

Attached is a letter from the humane society and the trade association that represents antifreeze manufacturers like prestone/honeywell in Massachusetts.

I've got a call into Michelle Mettner at Children's and am hopeful that they'll get on board (they of course run the WI Poison Control Center).

Also below are some recent press releases for reference. Hope this helps for now.

Thanks much,
AJ

New Jersey's bill:

http://www.humanesociety.org/news/press_releases/2010/01/nj_antifreeze_bill_passes_011310.html

Illinois:

http://www.humanesociety.org/news/press_releases/2009/12/illinois_antifreeze_bill_121709.html



THE HUMANE SOCIETY
OF THE UNITED STATES



HUMANE SOCIETY
LEGISLATIVE FUND™

Animal Protection Community and Industry Support: Uniform Antifreeze Bittering Agent Legislation - House Bill 398

The Humane Society of the United States (HSUS), the Humane Society Legislative Fund (HSLF), the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), and the antifreeze industry (The Consumer Specialty Products Association) support uniform bittering agent legislation in Massachusetts; as contained in House Bill 398.

Uniform bittering agent legislation would require that engine coolant/antifreeze that is more than 10 percent ethylene glycol must also contain denatonium benzoate, the world's bitterest known substance, to render it unpalatable. This legislation can be a useful tool in helping **save countless animal lives and reduce the number of childhood emergencies.**

Background: Children and animals (including companion animals and endangered species) are accidentally poisoned each year from ingesting antifreeze that is *improperly* stored or disposed of by consumers. One survey estimates that 10,000 dogs and cats are poisoned by antifreeze ingestion each year. Another survey suggests the number could be as high as 90,000. The American Academy of Pediatrics, the American Association of Poison Control Centers, the American Medical Association, the American Veterinary Medical Association, the National Safety Council, the Pet Food Institute and the American Journal of Public Health all recommend adding an aversive agent to antifreeze.

Nine states— Arizona, California, Maine, New Mexico, Oregon, Tennessee, Vermont, Virginia, and Washington—have successfully passed legislation requiring that a bittering agent be added to ethylene glycol antifreeze to make it unpalatable for animals and children.

Essential Uniform Provisions – Contained in HB 398: We have engaged in a painstaking effort to develop model legislative language that helps protect animals; while providing uniformity for manufacturers. This language is contained in House Bill 398 and includes the following necessary provisions:

- **Reasonable Effective Date:** Provides a reasonable effective date, January 1, 2011, to allow manufacturers to ramp-up supply in the East Coast and provide bitter antifreeze to Massachusetts.
- **Stipulates Effective Bittering Agent:** Stipulates that the bittering agent (denatonium benzoate or DB) will be added to ethylene-glycol based antifreeze at a range of 30-50 parts per million to render the product unpalatable.
- **Assigns Liability:** Assigns liability for denatonium benzoate to bitterant manufacturers and assigns liability for ethylene-glycol based antifreeze to the manufacturers of antifreeze—who do not produce the bittering agent but would be required to include it in their products.
- **Provides Uniform Statewide Mandate:** Provides a uniform statewide mandate, by preempting local jurisdictions from taking action.
- **Provides Necessary Exemptions:** Exempts the sale of vehicles containing antifreeze and commercial quantities of antifreeze (in 55-gallons) used for professional purposes.
- **Provides for Enforcement:** Provides for enforcement action and penalties for non-compliance.

The carefully crafted requirements contained in House Bill 398 are absolutely essential to accomplishing the goals of this legislation and ensuring that Massachusetts has an adequate and compliant antifreeze supply. Additional amendments or elimination of provisions within the purposed amended legislation will defeat the goals of the bill and undermine the broad support that it has. **Therefore, we jointly urge passage of these key provisions of House Bill 398; to help protect children and animals.**

96TH GENERAL ASSEMBLY
State of Illinois
2009 and 2010
HB4722

Introduced , by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

New Act

Creates the Antifreeze Bittering Act. Provides that any engine coolant or antifreeze that is manufactured after January 1, 2011, and subsequently sold within the State, and that contains more than 10% ethylene glycol, shall include denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million as a bittering agent within the product so as to render it unpalatable. Requires a manufacturer of a product subject to this Act to maintain a record of the trade name, scientific name, and active ingredients of any bittering agent used and to make such information available to the public upon request. Provides that subject to certain exceptions, a manufacturer, processor, distributor, recycler, or seller of an engine coolant or antifreeze that is required to contain an aversive agent shall not be liable to any person for any personal injury, death, property damage, damage to the environment (including natural resources), or economic loss that results from the inclusion of denatonium benzoate in any engine coolant or antifreeze, provided that the inclusion of denatonium benzoate is present in concentrations mandated under the Act. Contains provisions concerning exemptions and penalties. Denies home rule powers.

LRB096 14860 KTG 29724 b

CORRECTIONAL BUDGET
AND IMPACT NOTE ACT
MAY APPLY

HOME RULE NOTE ACT
MAY APPLY

A BILL FOR

HB4722

LRB096 14860 KTG 29724 b

1 AN ACT concerning antifreeze.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Antifreeze Bittering Act.

6 Section 5. Addition of bittering agent required. Any engine
7 coolant or antifreeze that is manufactured after January 1,
8 2011, and subsequently sold within the State, and that contains
9 more than 10% ethylene glycol, shall include denatonium
10 benzoate at a minimum of 30 parts per million and a maximum of
11 50 parts per million as a bittering agent within the product so
12 as to render it unpalatable.

13 Section 10. Record keeping. A manufacturer of a product
14 subject to this Act shall maintain a record of the trade name,
15 scientific name, and active ingredients of any bittering agent
16 used pursuant to this Act. Such information shall be available
17 to the public upon request.

18 Section 15. Liability.

19 (a) Subject to subsection (b) of this Section, a
20 manufacturer, processor, distributor, recycler, or seller of
21 an engine coolant or antifreeze that is required to contain an

HB4722

- 2 -

LRB096 14860 KTG 29724 b

1 aversive agent under Section 5 of this Act shall not be liable
2 to any person for any personal injury, death, property damage,
3 damage to the environment (including natural resources), or
4 economic loss that results from the inclusion of denatonium
5 benzoate in any engine coolant or antifreeze, provided that the
6 inclusion of denatonium benzoate is present in concentrations
7 mandated by Section 5 of this Act.

8 (b) The limitation on liability provided in subsection (a)
9 of this Section does not apply to a particular liability to the
10 extent that the cause of such liability is unrelated to the
11 inclusion of denatonium benzoate in any engine coolant or
12 antifreeze.

13 Section 20. Home rule preemption. With respect to retail
14 containers containing less than 55 gallons of engine coolant or
15 antifreeze, no local government, municipality, or other
16 political subdivision of this State shall have any authority
17 either to establish or continue in effect any prohibition,
18 limitation, standard, or other requirement relating to the
19 inclusion of a bittering agent in engine coolant or antifreeze
20 that is in any way different from, or in addition to, the
21 provisions of this Act. This Section is a denial and limitation
22 of home rule powers and functions under subsection (h) of
23 Section 6 of Article VII of the Illinois Constitution.

24 Section 25. Exemptions. The requirements of this Act shall

HB4722

- 3 -

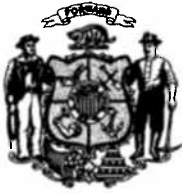
LRB096 14860 KTG 29724 b

1 not be construed to apply to:

2 (1) the sale of a motor vehicle that contains engine
3 coolant or antifreeze; or

4 (2) wholesale containers of engine coolant or
5 antifreeze containing 55 gallons or more of engine coolant
6 or antifreeze.

7 Section 30. Penalty. A violation of this Act is a Class C
8 misdemeanor.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
x-ref

gen.

1 AN ACT ...; relating to: requiring bittering agents in certain engine coolants and
2 antifreeze and providing a penalty.

percent

Analysis by the Legislative Reference Bureau

This bill requires that engine coolant or antifreeze that is sold within this state and that contains more than 10 percent ethylene glycol also contain, as a bittering agent, denatonium benzoate in a concentration between 30 and 50 parts per million. Under the bill, a manufacturer of such engine coolant or antifreeze must maintain a record of the trade name, scientific name, and active ingredients of any bittering agent used in the engine coolant or antifreeze, and must make the record available to the public upon request.

The bill exempts a manufacturer, processor, distributor, recycler, or seller of an engine coolant or antifreeze from liability for any personal injury, death, property damage, environmental damage, or economic loss caused by the inclusion of denatonium benzoate in the engine coolant or antifreeze, if the denatonium benzoate is present in a concentration required in the bill. The provisions of the bill do not apply to the sale of a motor vehicle that contains engine coolant or antifreeze or to antifreeze sold in containers with a capacity of 55 gallons or more.

A person who violates the provisions of the bill is subject to up to 90 days imprisonment, a fine up to \$1,500, or both.



2009 BILL

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

d-note

SA

regen.

- 1 AN ACT *to create* 100.383 of the statutes; **relating to:** requiring bittering agents
- 2 in certain engine coolants and antifreeze and providing a penalty.

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A person who violates the provisions of the bill is subject to up to 90 days imprisonment, a fine up to \$1,500, or both.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4392/1dn

CTS:.....

Lbjk

Date

Representative Sinicki:

Please review this draft carefully to ensure it is consistent with your intent. Note that I have not revised the liability exemption language in the previous version as the exemption, by its terms, applies only to injuries "caused by the inclusion of denatonium benzoate in the engine coolant or antifreeze." Consistent with your instructions, this language does not limit liability for injuries unrelated to the addition of bittering agents.

Feel free to contact me if you have any questions.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4392/1dn
CTS:bjk:rs

February 25, 2010

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E-mail:
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Basford, Sarah

From: George, Mary Beth

Sent: Thursday, February 25, 2010 10:21 AM

To: LRB.Legal

Subject: Draft Review: LRB 09-4392/1 Topic: Require bittering agent in antifreeze

Please Jacket LRB 09-4392/1 for the ASSEMBLY.