

# HOUSE BILL 897

J1, I3

1lr1814

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By: Delegates Murphy, Cardin, Beidle, Bohanan, Boteler, Frick, Frush, Howard, Hubbard, Jameson, Love, Mizeur, Reznik, V. Turner, Walker, and Wood Wood, Gilchrist, Glenn, Hogan, Holmes, Jacobs, Lafferty, McComas, McMillan, Niemann, Norman, O'Donnell, Otto, S. Robinson, Stein, Vitale, Weir, and Wilson

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

Returned to second reading: March 23, 2011

House action: Adopted with floor amendments

Read second time: March 23, 2011

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Engine Coolant and Antifreeze Bittering Agent Act**

3 FOR the purpose of prohibiting a person from selling or offering for sale any engine  
 4 coolant or antifreeze that ~~is manufactured after a certain date and~~ contains  
 5 more than a certain percentage of ethylene glycol unless the coolant or  
 6 antifreeze contains a certain amount of denatonium benzoate; granting  
 7 immunity from liability to persons that manufacture, process, distribute,  
 8 recycle, or sell engine coolant or antifreeze with denatonium benzoate in  
 9 accordance with this Act, except under certain circumstances; providing that  
 10 this Act does not apply to certain engine coolant or antifreeze sales; establishing  
 11 a certain penalty for violation of this Act; providing for a delayed effective date;  
 12 and generally relating to the sale of engine coolant and antifreeze.

13 BY adding to

14 Article – Health – General

15 Section 22–601 to be under the new subtitle “Subtitle 6. Engine Coolant and  
 16 Antifreeze Bittering Agent Act”

17 Annotated Code of Maryland

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2009 Replacement Volume and 2010 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Health – General**

5 **SUBTITLE 6. ENGINE COOLANT AND ANTIFREEZE BITTERING AGENT ACT.**

6 **22-601.**

7 (A) ~~THIS SECTION APPLIES TO ENGINE COOLANT OR ANTIFREEZE THAT~~  
8 ~~IS MANUFACTURED AFTER JANUARY 1, 2012.~~

9 ~~(B)~~ A PERSON MAY NOT SELL OR OFFER TO SELL ANY ENGINE COOLANT  
10 OR ANTIFREEZE THAT CONTAINS MORE THAN 10% ETHYLENE GLYCOL UNLESS  
11 THE COOLANT OR ANTIFREEZE INCLUDES NOT LESS THAN 30 PARTS PER  
12 MILLION NOR MORE THAN 50 PARTS PER MILLION DENATONIUM BENZOATE.

13 ~~(B)~~ ~~(C)~~ (B) (1) A PERSON THAT MANUFACTURES, PROCESSES,  
14 DISTRIBUTES, RECYCLES, OR SELLS ANY ENGINE COOLANT OR ANTIFREEZE IN  
15 ACCORDANCE WITH SUBSECTION ~~(A)~~ ~~(B)~~ (A) OF THIS SECTION IS NOT LIABLE  
16 FOR ANY PERSONAL INJURY, DEATH, PROPERTY DAMAGE, DAMAGE TO THE  
17 ENVIRONMENT OR NATURAL RESOURCES, OR ECONOMIC LOSS THAT RESULTS  
18 FROM THE INCLUSION OF DENATONIUM BENZOATE IN THE ENGINE COOLANT OR  
19 ANTIFREEZE.

20 (2) THE LIMITATION ON LIABILITY IN THIS SUBSECTION DOES  
21 NOT PROVIDE TO ANY PERSON IMMUNITY FROM LIABILITY FOR DAMAGES THAT  
22 ~~ARE UNRELATED~~ ARE:

23 (I) UNRELATED TO THE INCLUSION OF DENATONIUM  
24 BENZOATE IN ANY ENGINE COOLANT OR ANTIFREEZE IN ACCORDANCE WITH  
25 SUBSECTION ~~(A)~~ ~~(B)~~ (A) OF THIS SECTION; OR

26 (II) RELATED TO GROSS NEGLIGENCE OR WILLFUL OR  
27 WANTON MISCONDUCT BY THE PERSON.

28 ~~(C)~~ ~~(D)~~ (C) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE  
29 SALE OF:

30 (1) A MOTOR VEHICLE THAT CONTAINS ENGINE COOLANT OR  
31 ANTIFREEZE AT THE TIME OF SALE;

1           **(2) A WHOLESALE CONTAINER OF ENGINE COOLANT OR**  
2 **ANTIFREEZE DESIGNED TO CONTAIN 55 GALLONS OR MORE OF ENGINE**  
3 **COOLANT OR ANTIFREEZE;**

4           **(3) ENGINE COOLANT OR ANTIFREEZE REFORMULATED**  
5 **THROUGH ON-SITE RECYCLING; OR**

6           **(4) ENGINE COOLANT OR ANTIFREEZE PURCHASED IN**  
7 **ACCORDANCE WITH MILITARY SPECIFICATIONS.**

8           ~~(D) (E)~~ **(D) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS**  
9 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A**  
10 **FINE NOT EXCEEDING \$100.**

11           **(2) EACH DAY THAT A VIOLATION CONTINUES SHALL CONSTITUTE**  
12 **A SEPARATE OFFENSE.**

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 ~~October 1, 2011~~ January 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.