

# Chapter 606

(House Bill 897)

AN ACT concerning

## Engine Coolant and Antifreeze Bittering Agent Act

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

BY adding to

Article – Health – General

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

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

### Article – Health – General

#### SUBTITLE 6. ENGINE COOLANT AND ANTIFREEZE BITTERING AGENT ACT.

22–601.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That, if any federal or State agency determines that denatonium benzoate is unsuitable for use due to a danger that it poses to persons, property, or the environment, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect. The Department of Health and Mental Hygiene shall notify the Department of Legislative Services within 5 days after receiving notice of the federal or State agency determination described under this section.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2011~~ January 1, 2012.

**Approved by the Governor, May 19, 2011.**