



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 421 (as reported without amendment)
Sponsor: Senator Steven Bieda
Committee: Economic Development

CONTENT

The bill would create the "Engine Coolant Bittering Agent Act" to prohibit a person from selling engine coolant in Michigan if the coolant contained more than 10% ethylene glycol and did not contain either denatonium benzoate in a concentration of 30 to 50 parts per million, or a bittering agent that met or exceeded the aversion of denatonium benzoate in that concentration. A manufacturer or packager could not sell engine coolant in Michigan unless it retained a record of the coolant's trade name and scientific name, and the active ingredients of any included bittering agent. The manufacturer or packager would have to keep the record for at least three years, and make it available to the public upon request. ("Bittering agent" would mean an aversive agent that renders engine coolant unpalatable.) The proposed Act would not apply to the sale of a motor vehicle that contained engine coolant or to wholesale containers that contained 55 gallons or more of engine coolant.

A manufacturer, processor, distributor, recycler, or seller of an engine coolant that complied with the proposed Act would not be liable to any person for personal injury, death, property damage, damage to the environment, or economic loss that resulted from inclusion of denatonium benzoate in an engine coolant, if it were present in the concentrations described in the Act. The Act, however, would not relieve a person from liability if the injury were not primarily caused by the inclusion of denatonium benzoate in the engine coolant, the injury were the result of the manufacturer's, processor's, distributor's, recycler's, or seller's willful or wanton misconduct or gross negligence, or the injury were related to the manufacture or distribution of denatonium benzoate.

The Attorney General or any other person could bring a civil action for, and a court could order, an injunction to enforce the proposed Act; a civil fine of up to \$500 for each day of sale in violation of the Act, if the Attorney General brought the action; or attorney fees and costs, if the plaintiff prevailed.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minimal fiscal impact on the State. The Department of Attorney General would incur costs if it were necessary to bring a civil action under the bill. Any civil fine revenue received would be deposited in the General Fund.

Date Completed: 12-7-12

Fiscal Analyst: Elizabeth Pratt