

SENATE BILL No. 421

June 9, 2011, Introduced by Senators BIEDA, JOHNSON, ANDERSON, WARREN and WHITMER and referred to the Committee on Economic Development.

A bill to prohibit the sale of engine coolant in this state that does not contain a bittering agent; to require certain record keeping; and to provide for penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known and may be cited as the
2 "engine coolant bittering agent act".

3 (2) As used in this act:

4 (a) "Bittering agent" means an aversive agent that renders
5 engine coolant unpalatable.

6 (b) "Engine coolant" means a substance that is used in the
7 cooling system of an internal combustion engine to provide
8 protection against freezing, overheating, or corrosion of the
9 cooling system, or is labeled or sold with the implication that it

1 may be used for that purpose.

2 Sec. 3. On or after January 1, 2012, a person shall not sell
3 engine coolant in this state that is manufactured on or after
4 January 1, 2012, if the engine coolant has all of the following
5 characteristics:

6 (a) Contains more than 10% ethylene glycol.

7 (b) Does not contain either of the following:

8 (i) Denatonium benzoate in a concentration of 30 to 50 parts
9 per million.

10 (ii) A bittering agent that meets or exceeds the aversion of
11 denatonium benzoate in a concentration of 30 to 50 parts per
12 million.

13 Sec. 5. A manufacturer or packager shall not sell engine
14 coolant in this state unless the manufacturer or packager retains
15 for a minimum of 3 years, and makes available to the public on
16 request, a record of all of the following concerning the engine
17 coolant:

18 (a) The trade name.

19 (b) The scientific name.

20 (c) The active ingredients of any included bittering agent.

21 Sec. 7. (1) Subject to subsection (2), a manufacturer,
22 processor, distributor, recycler, or seller of an engine coolant
23 that complies with the requirements of this act is not liable to
24 any person for any of the following that result from inclusion of
25 denatonium benzoate in an engine coolant, if it is present in the
26 concentrations described in section 3:

27 (a) Personal injury.

1 (b) Death.

2 (c) Property damage.

3 (d) Damage to the environment, including natural resources.

4 (e) Economic loss.

5 (2) Subsection (1) does not relieve a person from liability in
6 any of the following circumstances:

7 (a) The injury is not primarily caused by the inclusion of
8 denatonium benzoate in the engine coolant.

9 (b) The injury is the result of the manufacturer's,
10 processor's, distributor's, recycler's, or seller's willful or
11 wanton misconduct or gross negligence.

12 (c) The injury is related to the manufacture or distribution
13 of denatonium benzoate.

14 Sec. 9. This act does not apply to either of the following:

15 (a) The sale of a motor vehicle that contains engine coolant.

16 (b) Wholesale containers of engine coolant containing 55
17 gallons or more of engine coolant.

18 Sec. 11. The attorney general or any other person may bring a
19 civil action for, and a court may order, 1 or more of the
20 following:

21 (a) An injunction to enforce this act.

22 (b) If the action is brought by the attorney general, a civil
23 fine of not more than \$500.00 for each day of sale in violation of
24 this act, for deposit into the general fund.

25 (c) Attorney fees and costs, if the plaintiff prevails.