



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4722

Introduced 1/4/2010, 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

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

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

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.