

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 subsections (b) and (c) of this Section, a
20 manufacturer, processor, distributor, recycler, or seller of
21 an engine coolant or antifreeze containing denatonium benzoate

1 at a minimum of 30 parts per million and a maximum of 50 parts
2 per million shall not be liable, except for willful and wanton
3 misconduct, to any person for personal injury, death, property
4 damage, damage to the environment, damage to natural resources,
5 or economic loss where the inclusion of denatonium benzoate in
6 any engine coolant or antifreeze was the sole cause of the
7 personal injury, death, property damage, damage to the
8 environment, damage to natural resources, or economic loss.

9 (b) Subsection (a) of this Section shall be strictly
10 construed and shall not apply to manufacturers, distributors,
11 recyclers, or sellers of denatonium benzoate prior to its
12 dilution with an engine coolant or antifreeze, or in dilutions
13 with antifreeze or engine coolant of less than 30 parts per
14 million or more than 50 parts per million.

15 (c) Subsection (a) of this Section shall apply only to
16 causes of action accruing on or after the effective date of
17 this Act.

18 Section 20. Home rule preemption. With respect to retail
19 containers containing less than 55 gallons of engine coolant or
20 antifreeze, no local government, municipality, or other
21 political subdivision of this State shall have any authority
22 either to establish or continue in effect any prohibition,
23 limitation, standard, or other requirement relating to the
24 inclusion of a bittering agent in engine coolant or antifreeze
25 that is in any way different from, or in addition to, the

1 provisions of this Act. This Section is a denial and limitation
2 of home rule powers and functions under subsection (h) of
3 Section 6 of Article VII of the Illinois Constitution.

4 Section 25. Exemptions. The requirements of this Act shall
5 not be construed to apply to:

6 (1) the sale of a motor vehicle that contains engine
7 coolant or antifreeze; or

8 (2) wholesale containers of engine coolant or
9 antifreeze containing 55 gallons or more of engine coolant
10 or antifreeze.

11 Section 30. Penalty. A violation of this Act is a Class C
12 misdemeanor.

13 Section 99. Effective date. This Act takes effect July 1,
14 2011.