Ohio Legislative Service Commission

Bill Analysis

Michel Jendretzky

Sub. H.B. 96

128th General Assembly
(As Passed by the House)

Reps. Skindell, Murray, Letson, Foley, Yates, Harris, Patten, Phillips, Luckie, Yuko, S. Williams, Boyd, Stebelton, Hagan, Domenick, Oelslager, Weddington, Harwood, Stewart, Bolon, Chandler, Brown, Okey, Carney, Celeste, DeBose, Evans, Fende, Garland, Gerberry, Goyal, Koziura, Mallory, Pillich, Pryor, B. Williams, Winburn

BILL SUMMARY

- Requires engine coolant or antifreeze that contains more than 10% ethylene glycol to include a bittering agent to render the engine coolant or antifreeze unpalatable, and generally requires manufacturers, packagers, processors, distributors, recyclers, and sellers of engine coolant or antifreeze to comply with the requirement.

- Requires a manufacturer or packager of engine coolant or antifreeze to maintain a record of the trade name, scientific name, and active ingredients of the bittering agent included in the engine coolant or antifreeze and to furnish that information to members of the public upon request.

- Exempts from the bill the sale of a motor vehicle that contains engine coolant or antifreeze and a wholesale container of engine coolant or antifreeze containing 55 or more gallons of antifreeze.

CONTENT AND OPERATION

The bill specifies that, except as provided in the bill (see below), engine coolant or antifreeze that is manufactured after January 1, 2011, and subsequently sold in Ohio that contains more than 10% ethylene glycol must include a bittering agent to render the engine coolant or antifreeze unpalatable. The bittering agent must consist of denatonium benzoate in a concentration of not less than 30 parts per million and not more than 50 parts per million. The bill then states that its provisions apply to manufacturers, packagers, processors, distributors, recyclers, and sellers of engine coolant or antifreeze. (R.C. 2927.28(A).)

Under the bill, a manufacturer or packager of engine coolant or antifreeze that is subject to the bill must maintain a record of the trade name, scientific name, and active ingredients of the bittering agent included in the engine coolant or antifreeze and, upon request, must furnish a member of the public with the information contained in the record (R.C. 2927.28(B)).

The bill prohibits a manufacturer, packager, processor, distributor, recycler, or seller of engine coolant or antifreeze from failing to comply with its requirements by offering or distributing for sale in Ohio engine coolant or antifreeze that does not include denatonium benzoate as required by the bill. Further, the bill prohibits a manufacturer or packager from failing to comply with its record keeping requirements. (R.C. 2927.28(C).) Persons violating either of these provisions are guilty of a misdemeanor and must be fined not more than $1,000 (R.C. 2927.28(F)).

Under the bill, a manufacturer, packager, processor, distributor, recycler, or seller that is subject to the bill is not liable for any personal injury, death, damage to property or the environment, including natural resources, or economic loss that results from the inclusion of denatonium benzoate in engine coolant or antifreeze in the concentration required by the bill. This immunity does not apply if the cause of liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze. (R.C. 2927.28(D).)

Finally, the bill declares that its provisions do not apply to either of the following:

(1) The sale of a motor vehicle that contains engine coolant or antifreeze; or

(2) A wholesale container of engine coolant or antifreeze containing 55 or more gallons of antifreeze. (R.C. 2927.28(E).)

HISTORY

ACTION	DATE
Introduced	03-24-09
Reported, H. Public Safety & Homeland Security	12-03-09
Passed House (73-23)	12-17-09

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