



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

S.B. 140

129th General Assembly
(As Introduced)

Sens. Bacon and Skindell, Manning, Sawyer, Turner, Brown, Tavares, Oelslager

BILL SUMMARY

- Generally requires that all engine coolant or antifreeze manufactured after January 1, 2013, and subsequently sold in Ohio that contains more than 10% ethylene glycol include a specified bittering agent to render the coolant or antifreeze unpalatable and prohibits any manufacturer, packager, processor, distributor, recycler, or seller of coolant or antifreeze from failing to comply with this requirement.
- Requires a manufacturer or packager of engine coolant or antifreeze subject to the above requirement to maintain specified records of the bittering agent used and furnish the information in the record upon request.
- Provides that a manufacturer, packager, processor, distributor, recycler, or seller subject to the above requirement is not liable for any personal injury, death, damage to property or the environment, or economic loss resulting from the required inclusion of the specified bittering agent in the concentration mandated by the bill if the cause of liability is related to the inclusion of the agent in the coolant or antifreeze.
- Specifies that the bill applies to manufacturers, packagers, processors, distributors, recyclers, and sellers of engine coolant or antifreeze but not to the sale of a motor vehicle containing coolant or antifreeze or to a wholesale container of coolant or antifreeze containing 55 or more gallons of antifreeze.

CONTENT AND OPERATION

Requirements, prohibition, and penalties

The bill requires that, subject to the exceptions described below, all engine coolant or antifreeze that is manufactured after January 1, 2013, and subsequently sold

in Ohio that contains more than 10% ethylene glycol 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 prohibits any manufacturer, packager, processor, distributor, recycler, or seller of engine coolant or antifreeze from failing to comply with this requirement by offering or distributing for sale in Ohio engine coolant or antifreeze that does not include denatonium benzoate as mandated by the bill.

The bill specifies that a manufacturer or packager of engine coolant or antifreeze that is subject to the above requirement 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. The bill prohibits any manufacturer or packager from failing to comply with this requirement.

A violation of either of the above prohibitions is a misdemeanor, and the offender must be fined not more than \$1,000.¹

Immunity

The bill specifies that a manufacturer, packager, processor, distributor, recycler, or seller that is subject to the requirement described above in the first paragraph 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 mandated under that requirement. This immunity does not apply if the cause of liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.²

Application of the bill and exceptions

The bill specifies that its provisions apply to manufacturers, packagers, processors, distributors, recyclers, and sellers of engine coolant or antifreeze. But the bill also specifies that its provisions do not apply to the sale of a motor vehicle that contains engine coolant or antifreeze or a wholesale container of engine coolant or antifreeze containing 55 or more gallons of antifreeze.³

¹ R.C. 2927.28(A), (B), (C), and (F).

² R.C. 2927.28(D).

³ R.C. 2927.28(A) and (E).

HISTORY

ACTION

DATE

Introduced

03-31-11

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