

BILL ANALYSIS

Senate Research Center
82R20391 SJM-D

C.S.S.B. 1301
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Natural Resources
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, many states and municipalities have considered legislation to require antifreeze manufacturers to add a bittering agent to their products to discourage pets from ingesting sweet smelling auto products. In order to prevent a patchwork of different state and local ordinances, the antifreeze industry has worked with the Humane Society to develop consensus legislation and make that a national standard. New Mexico became the first state to enact this legislation in 2005. C.S.S.B. 1301 adopts the model language.

This bill requires that antifreeze manufacturers add denatonium benzoate—at least 30 parts per million—to their products after January 1, 2013. It exempts the manufacturer from liability for any injury that results from the denatonium benzoate itself. It bars any political subdivision in Texas from adopting more stringent standards. It also excludes the sale of motor vehicles that contain antifreeze or containers of 55 gallons or more.

C.S.S.B. 1301 amends current law relating to manufacturers' inclusion of denatonium benzoate in certain products containing ethylene glycol.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 501, Health and Safety Code, by adding Section 501.0234, as follows:

Sec. 501.0234. DENATONIUM BENZOATE ADDITIVE REQUIREMENT FOR CERTAIN PRODUCTS CONTAINING ETHYLENE GLYCOL. (a) Provides that this section applies to a product to be sold as antifreeze or engine coolant that contains an ethylene glycol concentration greater than 10 percent by volume, and that is manufactured after January 1, 2013.

(b) Prohibits a manufacturer of a product described by Subsection (a) from distributing the product for sale in this state unless the product includes denatonium benzoate in an amount of not less than 30 parts per million and not more than 50 parts per million by weight.

(c) Requires a manufacturer of a product described by Subsection (a) to maintain a record of the trade name, scientific name, and active ingredients of the denatonium benzoate additive used to comply with Subsection (b), and on request, make the record available to the public.

(d) Provides that subject to Subsection (e), a manufacturer, processor, distributor, recycler, or seller of a product described by Subsection (a) that includes denatonium benzoate in the concentrations required by Subsection (b) is not 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 the product.

(e) Provides that the limitation on liability provided by Subsection (d) does not apply to the extent that the cause of the liability is unrelated to the inclusion of denatonium benzoate in a product described by Subsection (a).

(f) Provides that this section does not exempt a manufacturer of denatonium benzoate from liability under other law.

(g) Prohibits a political subdivision of this state from adopting or enforcing an ordinance, regulation, or policy that is inconsistent with or more restrictive than this section.

(h) Provides that this section does not apply to the sale of a motor vehicle that contains a product described by Subsection (a), or a container sold at wholesale that contains 55 gallons or more of antifreeze or engine coolant.

SECTION 2. Requires a manufacturer to comply with Section 501.0234, Health and Safety Code, as added by this Act, only after January 1, 2013.

SECTION 3. Effective date: September 1, 2011.