

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 599

H.P. 432

House of Representatives, February 3, 2005

An Act To Protect Household Pets and Other Small Animals from Poisoning

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GLYNN of South Portland.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 38 MRSA §1611 is enacted to read:**

6 **§1611. Sale of engine coolants and antifreeze**

8 **1. Aversive agent required.** After October 1, 2005, a person
10 may not sell or offer to sell in this State any engine coolant or
12 antifreeze that contains more than 10% ethylene glycol or
propylene glycol unless it includes denatonium benzoate at a
minimum of 30 parts per million as a bittering agent within the
product so as to render it unpalatable.

14 **2. Substitute aversive agent authorized.** Notwithstanding
16 subsection 1, an aversive agent other than denatonium benzoate
18 may be used in engine coolant or antifreeze if it meets or
exceeds the degree of aversion in test subjects obtained by using
the formulation of 30 parts per million of denatonium benzoate in
antifreeze.

20 **3. Records of manufacturer and packager.** Any manufacturer
22 or packager of engine coolant or antifreeze subject to this
24 section shall maintain a record of the trade name, scientific
name and active ingredients of the bittering agent used pursuant
26 to this section. Information and documentation maintained
pursuant to this subsection must be furnished to any member of
the public upon request.

28 **4. Limitation of liability.** A manufacturer, distributor,
30 recycler or seller of any engine coolant or antifreeze that
32 contains more than 10% ethylene glycol or propylene glycol that
is required to contain an aversive agent under this section is
34 not liable to any person for any personal injury, death or
property damage that results from the inclusion of denatonium
36 benzoate if the denatonium benzoate is included in ethylene
glycol or propylene glycol engine coolant or antifreeze in
concentrations mandated by this section.

38 **5. Misconduct negates limitation of liability.** The
40 limitation on liability under subsection 4 does not apply if the
42 personal injury, death or property damage described under
subsection 4 results from willful or wanton misconduct by the
44 manufacturer, distributor, recycler or seller of the ethylene
glycol or propylene glycol engine coolant or antifreeze.

46 **6. Exceptions.** This section does not apply to any of the
48 following:

50 **A. The sale of a motor vehicle that contains engine coolant**
or antifreeze; or

2 B. Wholesale containers of 55 gallons or more of antifreeze
3 or engine coolant.

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SUMMARY

8 To reduce the risk of poisoning of household pets and other
9 small animals, this bill requires that engine coolant or
10 antifreeze that contains more than 10% ethylene glycol or
11 propylene glycol must include an aversive agent that makes it
12 taste bitter so that it is rendered unpalatable.