

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 758

H.P. 579

House of Representatives, February 13, 2007

An Act To Protect Household Pets and Other Animals from Poisoning

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAIN of Orono.
Cosponsored by Senator PERRY of Penobscot and
Representatives: CARTER of Bethel, DILL of Cape Elizabeth, EATON of Sullivan, HINCK of
Portland, KAENRATH of South Portland, PEOPLES of Westbrook, PRATT of Eddington,
SAMSON of Auburn.

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

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

3 **§1611. Sale of engine coolants and antifreeze**

4 **1. Aversive agent required.** After October 1, 2007, a person may not sell or offer to
5 sell in this State any engine coolant or antifreeze that contains more than 10% ethylene
6 glycol or propylene glycol unless it includes denatonium benzoate at a minimum of 30
7 parts per million as a bittering agent within the product so as to render it unpalatable.

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

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

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

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

28 **6. Exceptions.** This section does not apply to:

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

30 **B.** Wholesale containers of 55 gallons or more of antifreeze or engine coolant.

31 **SUMMARY**

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