

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 162

SENATE BILL 1323

AN ACT

AMENDING TITLE 41, CHAPTER 15, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2086; RELATING TO THE CONTENTS OF ENGINE COOLANT OR ANTIFREEZE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 15, article 3, Arizona Revised Statutes,
3 is amended by adding section 41-2086, to read:

4 41-2086. Aversive or bittering agent in engine coolant and
5 antifreeze; liability limitation; exceptions;
6 violation; classification

7 A. ENGINE COOLANT OR ANTIFREEZE SOLD IN THIS STATE ON OR AFTER JANUARY
8 1, 2008 THAT IS MANUFACTURED ON OR AFTER SEPTEMBER 1, 2007 AND THAT CONTAINS
9 MORE THAN TEN PER CENT ETHYLENE GLYCOL SHALL INCLUDE DENATONIUM BENZOATE AT A
10 MINIMUM OF THIRTY PARTS PER MILLION AND A MAXIMUM OF FIFTY PARTS PER MILLION
11 AS AN AVERSIVE OR BITTERING AGENT IN THE PRODUCT TO RENDER IT UNPALATABLE. A
12 MANUFACTURER OR PACKAGER OF ENGINE COOLANT OR ANTIFREEZE SUBJECT TO THIS
13 SECTION SHALL MAINTAIN A RECORD OF THE TRADE NAME, SCIENTIFIC NAME AND ACTIVE
14 INGREDIENTS OF THE AVERSIVE OR BITTERING AGENT USED PURSUANT TO THIS SECTION.
15 A MANUFACTURER OR PACKAGER OF ENGINE COOLANT OR ANTIFREEZE SHALL FURNISH
16 INFORMATION AND DOCUMENTATION MAINTAINED PURSUANT TO THIS SECTION TO A MEMBER
17 OF THE PUBLIC ON REQUEST.

18 B. THIS SECTION APPLIES ONLY TO MANUFACTURERS, PACKAGERS,
19 DISTRIBUTORS, RECYCLERS OR SELLERS OF ENGINE COOLANT OR ANTIFREEZE. FOR
20 PURPOSES OF THIS SECTION, SELLING DOES NOT INCLUDE THE INSTALLATION OF ENGINE
21 COOLANT OR ANTIFREEZE FOR COMPENSATION.

22 C. A MANUFACTURER, PACKAGER, DISTRIBUTOR, RECYCLER OR SELLER OF ENGINE
23 COOLANT OR ANTIFREEZE THAT IS REQUIRED TO CONTAIN AN AVERSIVE OR BITTERING
24 AGENT PURSUANT TO THIS SECTION IS NOT LIABLE TO ANY PERSON FOR PERSONAL
25 INJURY, DEATH, PROPERTY DAMAGE, DAMAGE TO THE ENVIRONMENT OR NATURAL
26 RESOURCES OR ECONOMIC LOSS THAT RESULTS FROM THE INCLUSION OF DENATONIUM
27 BENZOATE IN ENGINE COOLANT OR ANTIFREEZE.

28 D. THE LIMITATION ON LIABILITY PROVIDED IN SUBSECTION C APPLIES ONLY
29 IF DENATONIUM BENZOATE IS INCLUDED IN ENGINE COOLANT OR ANTIFREEZE IN THE
30 CONCENTRATIONS REQUIRED BY THIS SECTION. THE LIMITATION ON LIABILITY
31 PROVIDED IN SUBSECTION C DOES NOT APPLY TO A PARTICULAR LIABILITY TO THE
32 EXTENT THAT THE CAUSE OF THAT LIABILITY IS UNRELATED TO THE INCLUSION OF
33 DENATONIUM BENZOATE IN ENGINE COOLANT OR ANTIFREEZE.

34 E. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ESTABLISH OR
35 CONTINUE IN EFFECT A PROHIBITION, LIMITATION, STANDARD OR OTHER REQUIREMENT
36 RELATING TO THE INCLUSION OF AN AVERSIVE OR BITTERING AGENT IN ENGINE COOLANT
37 OR ANTIFREEZE, WITH RESPECT TO RETAIL CONTAINERS CONTAINING LESS THAN
38 FIFTY-FIVE GALLONS OF ENGINE COOLANT OR ANTIFREEZE, THAT IS DIFFERENT FROM,
39 OR IN ADDITION TO, THIS SECTION.

40 F. THIS SECTION DOES NOT APPLY TO EITHER:

41 1. THE SALE OF A MOTOR VEHICLE THAT CONTAINS ENGINE COOLANT OR
42 ANTIFREEZE.

43 2. WHOLESALE CONTAINERS OF ENGINE COOLANT OR ANTIFREEZE CONTAINING
44 FIFTY-FIVE GALLONS OR MORE OF ENGINE COOLANT OR ANTIFREEZE.

1 G. THE DEPARTMENT MAY INSPECT, INVESTIGATE, ANALYZE AND TAKE
2 APPROPRIATE ACTIONS TO ADMINISTER AND ENFORCE THIS SECTION.

3 H. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 3
4 MISDEMEANOR.

~~APPROVED BY THE GOVERNOR MAY 1, 2007.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.~~

Passed the House April 23, 20 07,

by the following vote: 42 Ayes,

13 Nays, 5 Not Voting



Speaker of the House
Pro Tempore


Chief Clerk of the House

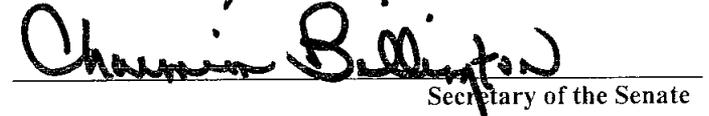
Passed the Senate February 21, 20 07,

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting



President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25th day of April, 2007,

at 11:58 o'clock a. M.


Secretary to the Governor

Approved this 1 day of

May, 20 07,

at 12 o'clock P. M.


Governor of Arizona

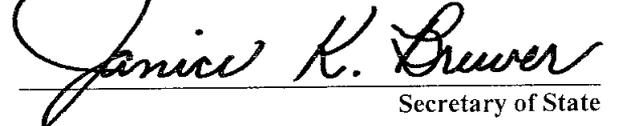
S.B. 1323

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1st day of MAY, 20 07,

at 4:30 o'clock P. M.


Secretary of State