

BILL ANALYSIS

S.B. 1301
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In recent years, a number of states and municipalities have considered legislation requiring antifreeze manufacturers to add a bittering agent to their products to discourage pets from ingesting this sweet-smelling product. Interested parties report that, 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 that will serve as a national standard. S.B. 1301, modeled on that consensus legislation, seeks to provide for certain manufacturers' inclusion of denatonium benzoate in certain products containing ethylene glycol.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1301 amends the Health and Safety Code to prohibit a manufacturer of a product to be sold as antifreeze or engine coolant that contains an ethylene glycol concentration greater than 10 percent by volume and is manufactured after January 1, 2013, from distributing the product for sale in Texas 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. The bill requires the manufacturer of such a product to maintain a record of the trade name, scientific name, and active ingredients of the denatonium benzoate additive used to comply with the bill's provisions and to make the record available to the public on request.

S.B. 1301 provides that a manufacturer, processor, distributor, recycler, or seller of such a product that includes denatonium benzoate in the required concentrations 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 but makes this limitation on liability inapplicable to the extent that the cause of the liability is unrelated to the inclusion of denatonium benzoate in the product. The bill specifies that its provisions do not exempt a manufacturer of denatonium benzoate from liability under other law.

S.B. 1301 prohibits a political subdivision of this state from adopting or enforcing an ordinance, regulation, or policy that is inconsistent with or more restrictive than the bill's provisions. The bill makes its provisions inapplicable to the sale of a motor vehicle that contains a product to which the bill's provisions apply or to a container sold at wholesale that contains 55 gallons or more of antifreeze or engine coolant. The bill requires a manufacturer to comply with the bill's provisions only after January 1, 2013.

EFFECTIVE DATE

September 1, 2011.