

1-1 By: Deuell S.B. No. 1301
1-2 (In the Senate - Filed March 8, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1301 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to manufacturers' inclusion of denatonium benzoate in
1-11 certain products containing ethylene glycol.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 501, Health and Safety
1-14 Code, is amended by adding Section 501.0234 to read as follows:

1-15 Sec. 501.0234. DENATONIUM BENZOATE ADDITIVE REQUIREMENT
1-16 FOR CERTAIN PRODUCTS CONTAINING ETHYLENE GLYCOL. (a) This section
1-17 applies to a product to be sold as antifreeze or engine coolant
1-18 that:

1-19 (1) contains an ethylene glycol concentration greater
1-20 than 10 percent by volume; and

1-21 (2) is manufactured after January 1, 2013.

1-22 (b) A manufacturer of a product described by Subsection (a)
1-23 may not distribute the product for sale in this state unless the
1-24 product includes denatonium benzoate in an amount of not less than
1-25 30 parts per million and not more than 50 parts per million by
1-26 weight.

1-27 (c) A manufacturer of a product described by Subsection (a)
1-28 shall:

1-29 (1) maintain a record of the trade name, scientific
1-30 name, and active ingredients of the denatonium benzoate additive
1-31 used to comply with Subsection (b); and

1-32 (2) on request, make the record available to the
1-33 public.

1-34 (d) Subject to Subsection (e), a manufacturer, processor,
1-35 distributor, recycler, or seller of a product described by
1-36 Subsection (a) that includes denatonium benzoate in the
1-37 concentrations required by Subsection (b) is not liable to any
1-38 person for any personal injury, death, property damage, damage to
1-39 the environment, including natural resources, or economic loss that
1-40 results from the inclusion of denatonium benzoate in the product.

1-41 (e) The limitation on liability provided by Subsection (d)
1-42 does not apply to the extent that the cause of the liability is
1-43 unrelated to the inclusion of denatonium benzoate in a product
1-44 described by Subsection (a).

1-45 (f) This section does not exempt a manufacturer of
1-46 denatonium benzoate from liability under other law.

1-47 (g) A political subdivision of this state may not adopt or
1-48 enforce an ordinance, regulation, or policy that is inconsistent
1-49 with or more restrictive than this section.

1-50 (h) This section does not apply to the sale of:

1-51 (1) a motor vehicle that contains a product described
1-52 by Subsection (a); or

1-53 (2) a container sold at wholesale that contains 55
1-54 gallons or more of antifreeze or engine coolant.

1-55 SECTION 2. A manufacturer is required to comply with
1-56 Section 501.0234, Health and Safety Code, as added by this Act, only
1-57 after January 1, 2013.

1-58 SECTION 3. This Act takes effect September 1, 2011.

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