

- SUBJECT:** Inclusion of a bitter-tasting additive to antifreeze to prevent ingestion
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 7 ayes — Kolkhorst, Naishtat, Alvarado, S. Davis, V. Gonzales, Schwertner, Zerwas
- 0 nays
- 4 absent — Coleman, S. King, Laubenberg, Truitt
- SENATE VOTE:** On final passage, April 13 — 31-0
- WITNESSES:** For — Nicole Paquette, Humane Society of the United States; Kristin Power, Consumer Specialty Products Association; (*Registered, but did not testify*: Skip Trimble, Texas Humane Legislation Network; Darren Whitehurst, Texas Medical Association)
- Against — None
- BACKGROUND:** In recent years, a number of states and municipalities have considered legislation requiring antifreeze manufacturers to add a bitter-tasting agent, denatonium benzoate, to their products to discourage pets and children from ingesting this sweet smelling and tasting, but highly poisonous, product. Denatonium benzoate is already used in nail polish remover, rubbing alcohol, paint and solvents. The antifreeze industry has worked with the Humane Society to develop consensus legislation that would serve as a national standard. SB 1301 is modeled on that consensus legislation.
- DIGEST:** SB 1301 would prohibit a manufacturer of antifreeze that contained an ethylene glycol concentration greater than 10 percent by volume that was manufactured after January 1, 2013, from selling that product in Texas unless the product included denatonium benzoate in an amount of 30 to 50 parts per million by weight.
- A manufacturer, processor, distributor, recycler, or seller of antifreeze that included denatonium benzoate in the required concentrations would not be

liable to any person for any personal injury, death, property damage, damage to the environment, including natural resources, or economic loss that resulted from the inclusion of denatonium benzoate in the product.

A manufacturer of denatonium benzoate would not be exempt from liability under other law.

These requirements would not apply to the sale of a motor vehicle that contained antifreeze with an ethylene glycol concentration greater than 10 percent by volume, or a container sold at wholesale that contained 55 gallons or more of antifreeze or engine coolant.

The bill would take effect September 1, 2011.