S T A T E O F N E W Y O R K

7602--A

2009-2010 Regular Sessions

I N A S S E M B L Y

April 16, 2009

Introduced by M. of A. MILLMAN, TITONE, KOON -- Multi-Sponsored by -- M. of A. BARRON, BENJAMIN, BOYLAND, BRENNAN, CAHILL, CARROZZA, CLARK, DINOWITZ, FIELDS, GALEF, GLICK, GOTTFRIED, JOHN, MAISEL, MARKEY, MAYERSOHN, McENENY, PERRY, PHEFFER, REILLY, RUSSELL, WEISENBERG, WRIGHT -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the sale of engine coolant and antifreeze

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 399-i to read as follows:

S 399-I. ENGINE COOLANT AND ANTIFREEZE. 1. ANY ENGINE COOLANT OR ANTIFREEZE SOLD IN THIS STATE ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, THAT IS MANUFACTURED ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, AND THAT CONTAINS MORE THAN TEN PERCENT ETHYLENE GLYCOL, SHALL INCLUDE DENATONIUM BENZOATE AT A MINIMUM OF THIRTY PARTS PER MILLION AND A MAXIMUM OF FIFTY PARTS PER MILLION AS A BITTERING AGENT WITHIN THE PRODUCT SO AS TO RENDER IT UNPALATABLE. ANOTHER AVERSIVE AGENT MAY BE USED AS A BITTERING AGENT IF IT MEETS OR EXCEEDS THE DEGREE OF AVERSION IN TEST SUBJECTS OBTAINED BY UTILIZING THE FORMULATION OF A MINIMUM OF THIRTY PARTS PER MILLION AND A MAXIMUM OF FIFTY PARTS PER MILLION OF DENATONIUM BENZOATE IN ENGINE COOLANT OR ANTIFREEZE. ANY MANUFACTURER OR PACKAGER OF A PRODUCT SUBJECT TO THIS SECTION SHALL MAINTAIN A RECORD OF THE TRADE NAME, SCIENTIFIC NAME, AND ACTIVE INGREDIENTS OF ANY BITTERING AGENT USED PURSUANT TO THIS SECTION. INFORMATION AND DOCUMENTATION MAINTAINED PURSUANT TO THIS SECTION SHALL BE FURNISHED TO ANY MEMBER OF THE PUBLIC UPON REQUEST.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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2. THIS SECTION SHALL NOT BE CONSTRUED TO APPLY TO THE SALE OF A MOTOR VEHICLE THAT CONTAINS ENGINE COOLANT OR ANTIFREEZE.

3. FOR PURPOSES OF THIS SECTION, THE TERMS "ENGINE COOLANT" AND "ANTIFREEZE" SHALL MEAN ANY ENGINE COOLANT OR ANTIFREEZE THAT CONTAINS MORE THAN TEN PERCENT ETHYLENE GLYCOL.

S 2. This act shall take effect January 1, 2011.