

House Bill 40 (COMMITTEE SUBSTITUTE)

By: Representatives Benton of the 31<sup>st</sup>, England of the 108<sup>th</sup>, Buckner of the 130<sup>th</sup>, and Kaiser of the 59<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a short title; to amend Part 3 of Article 8 of Chapter 1 of Title 10 of the Official  
2 Code of Georgia Annotated, relating to antifreeze, so as to provide that antifreeze sold in this  
3 state containing more than 10 percent ethylene glycol shall include denatonium benzoate as  
4 an aversive agent to render it unpalatable; to provide for applicability; to provide for  
5 limitations on liability under certain circumstances; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as "Chief's Law."

10 **SECTION 2.**

11 Part 3 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
12 relating to antifreeze, is amended by adding a new Code section to read as follows:

13 "10-1-202.1.

14 (a) Antifreeze sold in this state that is manufactured after July 1, 2012, containing more  
15 than 10 percent ethylene glycol shall include denatonium benzoate at a minimum of 30  
16 parts per million and a maximum of 50 parts per million as an aversive agent to render the  
17 antifreeze unpalatable.

18 (b) The requirements of subsection (a) of this Code section shall apply only to  
19 manufacturers, packagers, distributors, recyclers, or sellers of antifreeze and shall apply to  
20 recyclers notwithstanding the provisions of Code Section 10-1-208.1.

21 (c) The requirements of subsection (a) of this Code section shall not apply to the sale of  
22 a motor vehicle, as defined in Code Section 40-1-1, that contains antifreeze or to wholesale  
23 containers containing 55 gallons or more of antifreeze.

24 (d) A manufacturer, packager, distributor, recycler, or seller of antifreeze that is required  
25 to contain denatonium benzoate pursuant to this Code section shall not be liable to any  
26 person for personal injury, death, property damage, damage to the environment including  
27 without limitation natural resources, or economic loss that results solely from the inclusion  
28 of denatonium benzoate in the antifreeze; provided, however, that such limitation on  
29 liability shall only be applicable if denatonium benzoate is included in antifreeze in the  
30 concentrations mandated by subsection (a) of this Code section. Such limitation on  
31 liability shall not apply to a particular liability to the extent that the cause of that liability  
32 is unrelated to the inclusion of denatonium benzoate in antifreeze.

33 (e) In any criminal prosecution under this part or civil action for damages relating to the  
34 requirements of this part, a distributor or seller of antifreeze who is not the manufacturer,  
35 packager, or recycler of such antifreeze and who sells or distributes antifreeze that is  
36 labeled as containing denatonium benzoate shall not be criminally responsible for, and shall  
37 be immune from civil liability for, failure to include denatonium benzoate in such labeled  
38 package or container of antifreeze; provided, however, that if such distributor or seller of  
39 antifreeze has actual knowledge that the labeled product does not contain denatonium  
40 benzoate in the concentrations mandated by subsection (a) of this Code section, such  
41 distributor or seller shall not receive the immunity provided by this subsection."

42 **SECTION 3.**

43 All laws and parts of laws in conflict with this Act are repealed.