

House Bill 40 (AS PASSED HOUSE AND SENATE)

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

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, bill of lading, receipt or container of antifreeze; provided, however, that if such
39 distributor or seller of antifreeze has actual knowledge that the labeled product does not
40 contain denatonium benzoate in the concentrations mandated by subsection (a) of this Code
41 section, such distributor or seller shall not receive the immunity provided by this
42 subsection."

43 **SECTION 3.**

44 All laws and parts of laws in conflict with this Act are repealed.