

SENATE BILL No. 304—SENATOR O’CONNELL

MARCH 17, 2003

Referred to Committee on Natural Resources

SUMMARY—Requires addition of bittering agent to certain antifreeze to render it unpalatable. (BDR 51-842)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to antifreeze; requiring addition of a bittering agent to certain antifreeze to render it unpalatable; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 590 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *Except as otherwise provided in this section, any antifreeze*
4 *that contains more than 10 percent ethylene glycol which is sold in*
5 *this state after January 1, 2004, and which is manufactured after*
6 *July 1, 2003, must include a bittering agent within the antifreeze*
7 *to render the antifreeze unpalatable. The bittering agent must*
8 *consist of:*
9 (a) *Denatonium benzoate in a concentration of not less than*
10 *30 parts per million; or*
11 (b) *Any other aversive agent if its degree of aversion is*
12 *equivalent to or exceeds the degree of aversion accomplished by*
13 *utilizing the formulation of 30 parts per million of denatonium*
14 *benzoate in antifreeze.*
15 2. *A manufacturer or packer of antifreeze that is required*
16 *pursuant to this section to include a bittering agent shall:*



1 (a) *Maintain a record of the trade name, scientific name and*
2 *active ingredients of the bittering agent included in the antifreeze;*
3 *and*
4 (b) *Upon request, furnish any member of the public with the*
5 *information maintained pursuant to this subsection.*
6 3. *A manufacturer, packer, seller, distributor or recycler of*
7 *antifreeze that is required pursuant to this section to include a*
8 *bittering agent is not liable to any person for any bodily injury,*
9 *death or damage to property that results from the inclusion of the*
10 *bittering agent in the antifreeze in the concentration required by*
11 *this section unless the personal injury, death or damage to*
12 *property results from willful or wanton conduct of the*
13 *manufacturer, packer, seller, distributor or recycler of the*
14 *antifreeze.*
15 4. *The provisions of this section do not apply to:*
16 (a) *The sale of a motor vehicle that contains antifreeze; or*
17 (b) *A wholesale container of antifreeze containing 55 gallons*
18 *or more of antifreeze.*
19 5. *A person who violates any provision of this section is guilty*
20 *of a misdemeanor and shall be punished by a fine of not more*
21 *than \$1,000.*
22 **Sec. 2.** NRS 590.340 is hereby amended to read as follows:
23 590.340 NRS 590.340 to 590.450, inclusive, *and section 1 of*
24 *this act* may be cited as the Nevada Antifreeze Act.
25 **Sec. 3.** NRS 590.350 is hereby amended to read as follows:
26 590.350 As used in NRS 590.340 to 590.450, inclusive, *and*
27 *section 1 of this act*, unless the context or subject matter otherwise
28 requires:
29 1. "Antifreeze" includes all substances and preparations
30 intended for use as the cooling medium, or to be added to the
31 cooling liquid, in the cooling system of internal combustion engines
32 to prevent freezing of the cooling liquid or to lower its freezing
33 point.
34 2. "Fiscal year" means the period of 1 year beginning July 1
35 and expiring June 30 of the following year.
36 **Sec. 4.** NRS 590.380 is hereby amended to read as follows:
37 590.380 1. Before any antifreeze may be sold, displayed for
38 sale or held with intent to sell within this state, a sample thereof
39 must be inspected annually by the State Sealer of Weights and
40 Measures.
41 2. Upon application of the manufacturer, packer, seller or
42 distributor and the payment of a fee established by regulation of the
43 State Board of Agriculture for each brand of antifreeze submitted,
44 the State Sealer of Weights and Measures shall inspect the
45 antifreeze submitted. If the antifreeze:



- 1 (a) Is not adulterated or misbranded;
- 2 (b) Meets the standards of the State Sealer of Weights and
- 3 Measures; and
- 4 (c) Is not in violation of NRS 590.340 to 590.450, inclusive, *and*
- 5 *section 1 of this act*,
- 6 the State Sealer of Weights and Measures shall issue to the applicant
- 7 a written permit authorizing its sale in this state for the fiscal year in
- 8 which the inspection fee is paid.

9 3. If the State Sealer of Weights and Measures at a later date
10 finds that:

- 11 (a) The product to be sold, displayed for sale or held with intent
- 12 to sell has been materially altered or adulterated;
- 13 (b) A change has been made in the name, brand or trademark
- 14 under which the antifreeze is sold; or
- 15 (c) The antifreeze violates the provisions of NRS 590.340 to
- 16 590.450, inclusive, *and section 1 of this act*,
- 17 he shall notify the applicant and the permit must be cancelled
- 18 forthwith.

19 **Sec. 5.** NRS 590.400 is hereby amended to read as follows:

20 590.400 1. The State Sealer of Weights and Measures shall
21 enforce the provisions of NRS 590.340 to 590.450, inclusive, *and*
22 *section 1 of this act* by inspections, chemical analyses or any other
23 appropriate methods. All samples for inspection or analysis ~~shall~~
24 *must* be taken from stocks in the State or intended for sale in the
25 State, or the State Sealer of Weights and Measures, through his
26 agents, may call upon the manufacturer or distributor applying for
27 an inspection of an antifreeze to supply such samples thereof for
28 analysis.

29 2. The State Sealer of Weights and Measures, through his
30 agents, shall have free access at all reasonable times to all places of
31 business, buildings, vehicles, cars and vessels used in the
32 manufacture, transportation, sale or storage of any antifreeze, and he
33 may open any box, carton, parcel or package containing or supposed
34 to contain any antifreeze and may take therefrom samples for
35 analysis. If the person, or any officer, agent or employee thereof,
36 from which ~~such~~ a sample is taken, at the time of taking demands
37 payment, the person taking ~~such~~ the sample shall pay the
38 reasonable market price therefor.

39 **Sec. 6.** NRS 590.420 is hereby amended to read as follows:

40 590.420 The State Sealer of Weights and Measures may
41 furnish upon request a list of the brands and trademarks of antifreeze
42 inspected by him or his agents during the fiscal year which have
43 been found to be in accord with NRS 590.340 to 590.450, inclusive
44 ~~it~~, *and section 1 of this act*.



1 **Sec. 7.** NRS 590.430 is hereby amended to read as follows:
2 590.430 ~~[No advertising]~~ *Advertising* literature relating to any
3 antifreeze sold or to be sold in this state ~~[shall]~~ *must not* contain any
4 statement that the antifreeze advertised for sale has been approved
5 by the State Sealer of Weights and Measures, ~~[;]~~ but if any
6 antifreeze has been inspected by the State Sealer of Weights and
7 Measures and *has been* found to meet the standards of the State
8 Sealer of Weights and Measures and not to be in violation of NRS
9 590.340 to 590.450, inclusive, *and section 1 of this act*, such a
10 statement may be contained in any advertising literature where such
11 a brand or trademark of antifreeze is being advertised for sale.

12 **Sec. 8.** NRS 590.440 is hereby amended to read as follows:
13 590.440 Whenever the State Sealer of Weights and Measures
14 ~~[shall discover]~~ *discovers* any antifreeze is being sold or has been
15 sold in violation of NRS 590.340 to 590.450, inclusive, *and section*
16 *1 of this act*, the facts ~~[shall]~~ *must* be furnished to the district
17 attorney of the county where the violation occurred, who shall
18 institute proper proceedings.

19 **Sec. 9.** NRS 590.450 is hereby amended to read as follows:
20 590.450 ~~[If]~~ *Except as otherwise provided by specific statute,*
21 *if* any person, partnership, corporation or association ~~[shall violate]~~
22 *violates* the provisions of NRS 590.340 to 590.440, inclusive, *and*
23 *section 1 of this act*, such person, partnership, corporation or
24 association ~~[shall be]~~ *is* guilty of a misdemeanor.

25 **Sec. 10.** NRS 561.305 is hereby amended to read as follows:
26 561.305 The Department shall establish and maintain a
27 laboratory for the following purposes:

28 1. The diagnosis of infectious, contagious and parasitic
29 diseases of livestock, as may be necessary under the provisions of
30 chapter 571 of NRS.

31 2. The diagnosis of infectious, contagious and parasitic
32 diseases of bees, as may be necessary under the provisions of NRS
33 552.085 to 552.310, inclusive.

34 3. The diagnosis of infectious, contagious and destructive
35 diseases of agricultural commodities, and infestations thereof by
36 pests, as may be necessary under the provisions of NRS 554.010 to
37 554.240, inclusive.

38 4. The survey and identification of insect pests, plant diseases
39 and noxious weeds, and the maintenance of a herbarium, as may be
40 necessary under the provisions of NRS 555.010 to 555.249,
41 inclusive.

42 5. The testing of pesticides, as may be necessary under the
43 provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to
44 586.450, inclusive.



1 6. The safekeeping and maintenance of official standards of
2 weights and measures, as may be necessary under the provisions of
3 chapter 581 of NRS.

4 7. The testing and grading of agricultural products and the
5 testing of the purity and germinating power of agricultural seeds and
6 the testing of the spray residue contained in produce, as may be
7 necessary under the provisions of chapter 587 of NRS.

8 8. The analysis and testing of commercial fertilizers and
9 agricultural minerals, as may be necessary under the provisions of
10 ~~[NRS 588.010 to 588.350, inclusive.]~~ *chapter 588 of NRS.*

11 9. The analysis and testing of petroleum products, as may be
12 necessary under the provisions of NRS 590.010 to 590.150,
13 inclusive.

14 10. The analysis and testing of antifreeze, as may be necessary
15 under the provisions of NRS 590.340 to 590.450, inclusive ~~[]~~, *and*
16 *section 1 of this act.*

17 11. Any laboratory examinations, diagnoses, analyses or
18 testing as may be deemed necessary by the Director and which can
19 be made with equipment available in any such laboratory. Any
20 resident of this state may submit samples to the Department for
21 examination, diagnosis, analysis or testing, subject to such rules and
22 regulations as may be adopted by the Director.

23 **Sec. 11.** NRS 561.385 is hereby amended to read as follows:

24 561.385 1. The Agriculture Registration and Enforcement
25 Account is hereby created in the State General Fund for the use of
26 the Department.

27 2. The following fees must be deposited in the Agriculture
28 Registration and Enforcement Account:

29 (a) Fees collected pursuant to the provisions of NRS 586.010 to
30 586.450, inclusive.

31 (b) Fees collected pursuant to the provisions of ~~[NRS 588.010 to~~
32 ~~588.350, inclusive.]~~ *chapter 588 of NRS.*

33 (c) Fees collected pursuant to the provisions of NRS 590.340 to
34 590.450, inclusive ~~[]~~, *and section 1 of this act.*

35 (d) Laboratory fees collected for the testing of pesticides as
36 authorized by NRS 561.305, and as are necessary pursuant to the
37 provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to
38 586.450, inclusive.

39 (e) Laboratory fees collected for the analysis and testing of
40 commercial fertilizers and agricultural minerals, as authorized by
41 NRS 561.305, and as are necessary pursuant to the provisions of
42 ~~[NRS 588.010 to 588.350, inclusive.]~~ *chapter 588 of NRS.*

43 (f) Laboratory fees collected for the analysis and testing of
44 petroleum products, as authorized by NRS 561.305, and as are



1 necessary pursuant to the provisions of NRS 590.010 to 590.150,
2 inclusive.

3 (g) Laboratory fees collected for the analysis and testing of
4 antifreeze, as authorized by NRS 561.305, and as are necessary
5 pursuant to the provisions of NRS 590.340 to 590.450, inclusive ~~H~~,
6 *and section 1 of this act.*

7 3. Expenditures from the Agriculture Registration and
8 Enforcement Account may be made only to carry out the provisions
9 of this chapter, chapters 586, 588 and 590 of NRS and NRS
10 555.2605 to 555.460, inclusive.

11 **Sec. 12.** This act becomes effective on July 1, 2003.

