
ASSEMBLY BILL NO. 86—ASSEMBLYMEN GANSERT, HARDY, SIBLEY, ALLEN, ANGLE, BUCKLEY, CHRISTENSEN, CONKLIN, DENIS, GERHARDT, GOICOECHEA, GRADY, HETTRICK, HOLCOMB, HORNE, MABEY, MANENDO, MARVEL, MUNFORD, OCEGUERA, OHRENSCHALL, PARKS, PIERCE, SHERER, SMITH AND WEBER

FEBRUARY 18, 2005

JOINT SPONSOR: SENATOR MATHEWS

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Requires addition of bittering agent to certain antifreeze to render it unpalatable. (BDR 51-999)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 the addition of a bittering agent to certain antifreeze to render it unpalatable; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires the State Sealer of Weights and Measures to inspect
- 2 annually a sample of any antifreeze intended to be sold or displayed for sale in this
- 3 State. The sample must comply with certain standards before the State Sealer may
- 4 issue a permit authorizing the sale of the antifreeze. (NRS 590.380)
- 5 This bill makes it mandatory for certain antifreeze sold or manufactured in this
- 6 State to include a bittering agent that makes it unpalatable. This bill requires
- 7 antifreeze manufacturers and packers to maintain a record of the bittering agent’s
- 8 trade name, scientific name and active ingredients, and to furnish this information
- 9 to any member of the public upon request.
- 10 This bill provides limited civil immunity to manufacturers, packers, sellers,
- 11 distributors and recyclers of antifreeze containing a bittering agent. Civil immunity



12 does not apply if the injury that is the basis for the action is the result of willful or
13 wanton misconduct. Any person who violates the provisions of this bill is guilty of
14 a misdemeanor and must be punished by a fine of not more than \$1,000.

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 on or after January 1, 2006, and which is manufactured*
6 *on or after July 1, 2005, must include a bittering agent within the*
7 *antifreeze to render the antifreeze unpalatable. The bittering agent*
8 *must 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:*

17 *(a) Maintain a record of the trade name, scientific name and*
18 *active ingredients of the bittering agent included in the antifreeze;*
19 *and*

20 *(b) Upon request, furnish any member of the public with the*
21 *information maintained pursuant to this subsection.*

22 *3. A manufacturer, packer, seller, distributor or recycler of*
23 *antifreeze that is required pursuant to this section to include a*
24 *bittering agent is not liable to any person for any bodily injury,*
25 *death or damage to property that results from the inclusion of the*
26 *bittering agent in the antifreeze in the concentration required by*
27 *this section unless the personal injury, death or damage to*
28 *property results from the willful or wanton misconduct of the*
29 *manufacturer, packer, seller, distributor or recycler of the*
30 *antifreeze.*

31 *4. The provisions of this section do not apply to:*

32 *(a) The sale of a motor vehicle that contains antifreeze; or*

33 *(b) A wholesale container of antifreeze containing 55 gallons*
34 *or more of antifreeze.*

35 *5. A person who violates any provision of this section is guilty*
36 *of a misdemeanor and shall be punished by a fine of not more*
37 *than \$1,000.*



1 **Sec. 2.** NRS 590.340 is hereby amended to read as follows:
2 590.340 NRS 590.340 to 590.450, inclusive, *and section 1 of*
3 *this act* may be cited as the Nevada Antifreeze Act.

4 **Sec. 3.** NRS 590.350 is hereby amended to read as follows:
5 590.350 As used in NRS 590.340 to 590.450, inclusive, *and*
6 *section 1 of this act*, unless the context or subject matter otherwise
7 requires:

8 1. “Antifreeze” includes all substances and preparations
9 intended for use as the cooling medium, or to be added to the
10 cooling liquid, in the cooling system of internal combustion engines
11 to prevent freezing of the cooling liquid or to lower its freezing
12 point.

13 2. “Fiscal year” means the period of 1 year beginning July 1
14 and expiring June 30 of the following year.

15 **Sec. 4.** NRS 590.380 is hereby amended to read as follows:

16 590.380 1. Before any antifreeze may be sold, displayed for
17 sale or held with intent to sell within this State, a sample thereof
18 must be inspected annually by the State Sealer of Weights and
19 Measures.

20 2. Upon application of the manufacturer, packer, seller or
21 distributor and the payment of a fee established by regulation of the
22 State Board of Agriculture for each brand of antifreeze submitted,
23 the State Sealer of Weights and Measures shall inspect the
24 antifreeze submitted. If the antifreeze:

25 (a) Is not adulterated or misbranded;

26 (b) Meets the standards of the State Sealer of Weights and
27 Measures; and

28 (c) Is not in violation of NRS 590.340 to 590.450, inclusive, *and*
29 *section 1 of this act*,

30 ↳ the State Sealer of Weights and Measures shall issue to the
31 applicant a written permit authorizing its sale in this State for the
32 fiscal year in which the inspection fee is paid.

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

35 (a) The product to be sold, displayed for sale or held with intent
36 to sell has been materially altered or adulterated;

37 (b) A change has been made in the name, brand or trademark
38 under which the antifreeze is sold; or

39 (c) The antifreeze violates the provisions of NRS 590.340 to
40 590.450, inclusive, *and section 1 of this act*,

41 ↳ he shall notify the applicant and the permit must be cancelled
42 forthwith.



1 **Sec. 5.** NRS 590.400 is hereby amended to read as follows:
2 590.400 1. The State Sealer of Weights and Measures shall
3 enforce the provisions of NRS 590.340 to 590.450, inclusive, *and*
4 *section 1 of this act* by inspections, chemical analyses or any other
5 appropriate methods. All samples for inspection or analysis ~~{shall}~~
6 *must* be taken from stocks in the State or intended for sale in the
7 State, or the State Sealer of Weights and Measures, through his
8 agents, may call upon the manufacturer or distributor applying for
9 an inspection of an antifreeze to supply such samples thereof for
10 analysis.

11 2. The State Sealer of Weights and Measures, through his
12 agents, shall have free access at all reasonable times to all places of
13 business, buildings, vehicles, cars and vessels used in the
14 manufacture, transportation, sale or storage of any antifreeze, and he
15 may open any box, carton, parcel or package containing or supposed
16 to contain any antifreeze and may take therefrom samples for
17 analysis. If the person, or any officer, agent or employee thereof,
18 from which ~~{such}~~ a sample is taken, at the time of taking demands
19 payment, the person taking ~~{such}~~ the sample shall pay the
20 reasonable market price therefor.

21 **Sec. 6.** NRS 590.420 is hereby amended to read as follows:
22 590.420 The State Sealer of Weights and Measures may
23 furnish upon request a list of the brands and trademarks of antifreeze
24 inspected by him or his agents during the fiscal year which have
25 been found to be in accord with NRS 590.340 to 590.450, inclusive
26 ~~{,}~~, *and section 1 of this act.*

27 **Sec. 7.** NRS 590.430 is hereby amended to read as follows:
28 590.430 ~~{No advertising}~~ *Advertising* literature relating to any
29 antifreeze sold or to be sold in this State ~~{shall}~~ *must not* contain
30 any statement that the antifreeze advertised for sale has been
31 approved by the State Sealer of Weights and Measures, ~~{,}~~ but if
32 any antifreeze has been inspected by the State Sealer of Weights and
33 Measures and *has been* found to meet the standards of the State
34 Sealer of Weights and Measures and not to be in violation of NRS
35 590.340 to 590.450, inclusive, *and section 1 of this act*, such a
36 statement may be contained in any advertising literature where such
37 a brand or trademark of antifreeze is being advertised for sale.

38 **Sec. 8.** NRS 590.440 is hereby amended to read as follows:
39 590.440 Whenever the State Sealer of Weights and Measures
40 ~~{shall discover}~~ *discovers* any antifreeze is being sold or has been
41 sold in violation of NRS 590.340 to 590.450, inclusive, *and section*
42 *1 of this act*, the facts ~~{shall}~~ *must* be furnished to the district
43 attorney of the county where the violation occurred, who shall
44 institute proper proceedings.



1 **Sec. 9.** NRS 590.450 is hereby amended to read as follows:
2 590.450 ~~[[~~ *Except as otherwise provided by specific statute,*
3 *if* any person, partnership, corporation or association ~~[shall violate]~~
4 *violates* the provisions of NRS 590.340 to 590.440, inclusive, ~~[such]~~
5 *and section 1 of this act, the* person, partnership, corporation or
6 association ~~[shall be]~~ *is* guilty of a misdemeanor.

7 **Sec. 10.** NRS 561.305 is hereby amended to read as follows:
8 561.305 The Department shall establish and maintain a
9 laboratory for the following purposes:

10 1. The diagnosis of infectious, contagious and parasitic
11 diseases of animals, as may be necessary under the provisions of
12 chapter 571 of NRS.

13 2. The diagnosis of infectious, contagious and parasitic
14 diseases of bees, as may be necessary under the provisions of
15 *chapter 552 of NRS. [552.085 to 552.310, inclusive.]*

16 3. The diagnosis of infectious, contagious and destructive
17 diseases of agricultural commodities, and infestations thereof by
18 pests, as may be necessary under the provisions of *chapter 554 of*
19 *NRS. [554.010 to 554.240, inclusive.]*

20 4. The survey and identification of insect pests, plant diseases
21 and noxious weeds, and the maintenance of a herbarium, as may be
22 necessary under the provisions of NRS ~~[555.010]~~ *555.005* to
23 *555.249, inclusive.*

24 5. The testing of pesticides, as may be necessary under the
25 provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to
26 586.450, inclusive.

27 6. The safekeeping and maintenance of official standards of
28 weights and measures, as may be necessary under the provisions of
29 chapter 581 of NRS.

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

34 8. The analysis and testing of commercial fertilizers and
35 agricultural minerals, as may be necessary under the provisions of
36 chapter 588 of NRS.

37 9. The analysis and testing of petroleum products, as may be
38 necessary under the provisions of NRS 590.010 to 590.150,
39 inclusive.

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

43 11. Any laboratory examinations, diagnoses, analyses or
44 testing as may be deemed necessary by the Director and which can
45 be made with equipment available in any such laboratory. Any



1 resident of this State may submit samples to the Department for
2 examination, diagnosis, analysis or testing, subject to such rules and
3 regulations as may be adopted by the Director.

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

5 561.385 1. The Agriculture Registration and Enforcement
6 Account is hereby created in the State General Fund for the use of
7 the Department.

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

10 (a) Except as otherwise provided in NRS 586.270, fees collected
11 pursuant to the provisions of NRS 586.010 to 586.450, inclusive.

12 (b) Fees collected pursuant to the provisions of chapter 588 of
13 NRS.

14 (c) Fees collected pursuant to the provisions of NRS 590.340 to
15 590.450, inclusive ~~{ }~~, *and section 1 of this act.*

16 (d) Laboratory fees collected for the testing of pesticides as
17 authorized by NRS 561.305, and as are necessary pursuant to the
18 provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to
19 586.450, inclusive.

20 (e) Laboratory fees collected for the analysis and testing of
21 commercial fertilizers and agricultural minerals, as authorized by
22 NRS 561.305, and as are necessary pursuant to the provisions of
23 chapter 588 of NRS.

24 (f) Laboratory fees collected for the analysis and testing of
25 petroleum products, as authorized by NRS 561.305, and as are
26 necessary pursuant to the provisions of NRS 590.010 to 590.150,
27 inclusive.

28 (g) Laboratory fees collected for the analysis and testing of
29 antifreeze, as authorized by NRS 561.305, and as are necessary
30 pursuant to the provisions of NRS 590.340 to 590.450, inclusive ~~{ }~~,
31 *and section 1 of this act.*

32 3. Expenditures from the Agriculture Registration and
33 Enforcement Account may be made only to carry out the provisions
34 of this chapter, *NRS 555.2605 to 555.460, inclusive, and* chapters
35 586, 588 and 590 of NRS . ~~{and NRS 555.2605 to 555.460,~~
36 ~~inclusive.}~~

37 **Sec. 12.** This act becomes effective on July 1, 2005.



