

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** HB2629

House of Origin    ☐    Introduced    ☒    Substitute    ☐    Engrossed  
Second House       ☐    In Committee    ☐    Substitute    ☐    Enrolled

**2. Patron:** Cox

**3. Committee:** Commerce and Labor

**4. Title:** Antifreeze bittering agent; penalty

**5. Summary:** The substitute bill seeks to amend the Virginia Motor Fuels and Lubricating Oils Law by requiring all engine coolant or antifreeze manufactured or sold in the state which contains more than 10 percent ethylene glycol to also contain denatonium benzoate as a bittering agent to make the product unpalatable. The bill limits liability for injury, death, property damage and damage to the environment for the inclusion of denatonium benzoate, if it is in accordance with the bill. The bill does not apply to the sale of motor vehicles that contain engine coolant or antifreeze or to wholesale containers of engine coolant or antifreeze. The bill provides for civil penalties of up to \$100 per violation. Each day of violation constitutes a separate offense. The provisions of the bill will become effective January 1, 2011.

**6. Fiscal Impact Estimates:** Indeterminate. See item 8.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** There will be undetermined operational costs for the Department of Agriculture and Consumer Services associated with monitoring the marketplace and the sampling and testing activities required to ensure compliance. The department does not know the number of products that are subject to the bill or the number of the commercial outlets that sell these products. In the absence of this data, the department cannot formulate a sampling protocol or estimate a fiscal impact. It is unknown if the Division of Consolidated Laboratory Services has the equipment and lab protocols to conduct the testing.

The civil penalty revenue from violations is unknown.

**9. Specific Agency or Political Subdivisions Affected:** Department of Agriculture and Consumer Services, Department of General Services Division of Consolidated Laboratories.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** The second enactment clause states that the provisions shall become effective on January 1, 2011.

**Date:** 2/8/2009 dpbkbs

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cc: Secretary of Agriculture and Forestry  
Secretary of Administration