

## Bittering Agent Legislation

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### Issue

Has the General Assembly considered legislation to require adding bittering agents to toxic household products?

### Summary

Yes. Since 1988 (the earliest year currently available in the legislature's online advanced bill and document search function for searching bill text), one bill has been introduced that would have required adding a bittering agent to toxic household products. (A bittering agent is generally a substance added to a toxic product, such as antifreeze, to make it taste or smell adversely bitter and thus discourage its being ingested or inhaled.)

The bill, [HB 5982](#) (AAC the Protection of Children from Poisoning from Toxic Household Products) from the 1991 legislative session, required certain toxic household products to have a nontoxic bittering agent added to them at a concentration that would make the product adversely bitter.

The bill defined a toxic household product as a product customarily produced or distributed for sale for use in or around the household or customarily stored by individuals in or around the household that can cause significant human injury or illness when ingested in a moderate amount.

#### *Industry Agreement for Ethylene Glycol Products*

In 2012, consumer products manufacturers, through the Consumer Specialty Products Association, agreed to voluntarily add a bittering agent to consumer products containing ethylene glycol (e.g., antifreeze and engine coolant) that are manufactured for sale in the United States. Ethylene glycol has a sweet taste and is a slow-acting poison.

The bill's bittering agent addition requirement applied to products containing certain listed substances including, among others: bromates (used in hair products), carbamates (used in insecticides), cyanide, ethylene glycol of a certain amount (often found in antifreeze and brake fluid), metaldehyde (commonly used in pesticides), and strychnine formulations. But it exempted these products from the requirement if they had child resistant safety closures that met certain federal packaging standards.

The bill also exempted the following products from its requirements: (1) those with hydrocarbons in which the only known toxicity is through lung aspiration of minute amounts; (2) those intended for use in or around the mouth or are reasonably expected to be used orally or ingested; (3) poisons packaged in large quantities; (4) almost all drugs defined under the federal and state Food, Drug, and Cosmetic acts; and (5) those which, when ingested, immediately cause severe damage or irritation to the mouth or tongue, or are fatal after one taste.

It established a civil penalty of up to \$5,000 for each violation of its provisions and allowed anyone to bring a civil action in Superior Court to enforce the requirements.

The legislature's Public Health Committee held a public hearing on the bill but took no further action.

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