

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



Ohio Chapter



May 20, 2016

The Honorable Cliff Rosenberger
Speaker, Ohio House of Representatives
77 South High Street
14th Floor
Columbus, Ohio 43215

Dear Speaker Rosenberger,

On behalf of the members of the organizations identified above, we are writing you today to express support for Senate Bill 54 and to request that this important legislation be brought to the floor for a vote. This bill represents another significant step taken by the Ohio House under your leadership to keep children safe and improve the health of Ohio's kids.

SB 54, which is sponsored by State Senator Shannon Jones, is nearly identical to legislation that cleared the House last year by a vote of 97-1. The only difference between these measures is that SB 54 includes language that explicitly prohibits the sale of liquid nicotine to minors. This is an important clarification to legislation passed in the 130th General Assembly (HB 144, sponsored by Rep. Stephanie Kunze), which prohibited the sale of e-cigs and nicotine vapor products to minors. This clarification was added to SB 54 by the House Health and Aging Committee earlier this year.

The underlying intent of SB 54 is to prohibit the sale of liquid nicotine containers that do not have child resistant closures. Liquid nicotine is often sold in a vial or small container with a simple twist-off cap; the amount and concentration of nicotine in this solution can be toxic and even fatal to a small child. As e-cigs and other vaping products become popular alternative to traditional cigarettes and tobacco, the sale of liquid nicotine refills has also risen. As a result, we have seen an alarming rise in calls to poison control centers and ER admissions resulting from children ingesting liquid nicotine.

SB 54 would require liquid nicotine containers sold in Ohio to have child resistant closures; 11 states have enacted similar legislation, and recently the federal government took steps towards a childproofing requirement. The use of child resistant closures in other potentially harmful products (cough medicine, pain relievers, household cleaners, antifreeze, etc.) has resulted in significant reductions in harm to children. Given the potentially lethal amount of nicotine contained in e-cig refills, and the use of colorful packaging and names like cotton candy and skittles, liquid nicotine vials are very attractive to children. A simple child resistant cap can dramatically reduce the risk for ingestion.

Nationally, the American College of Emergency Physicians (ACEP) has seen a growing number of case reports about pediatric exposures, including some deaths and toxic overdoses from e-cigarette vapor liquids, both from the nicotine and propylene glycol. According to the CDC, the number of calls made to poison control centers involving children and liquid nicotine has increased from 1 per month in 2010 to 215 per month in 2014. Of all liquid nicotine-related calls made to poison control centers, over 50% involve a child under the age of 5. At the federal level, ACEP, AAP, and other child health advocates have pushed for stronger restrictions to be placed on the sale of liquid nicotine containers, including the requirement that all liquid nicotine containers are packaged in child-resistant containers.

While the federal government is finally taking action on the regulation of e-cigs and liquid nicotine, we feel Ohio can continue to be a leader on children's health and safety. SB 54 does include a federal preemption clause so that when the FDA or another federal entity requires child-resistant closures on liquid nicotine containers, the Ohio statute will be nullified. While we believe that this requirement is important, we do not want Ohio to have a duplicative standard once the federal government takes action. This language and the underling child-resistant requirement, plus the language added by the Health and Aging Committee prohibiting the sale of liquid nicotine to minors, are all key pieces of a very good piece of legislation.

Thank you for your consideration of this request, it is my hope that SB 54 can be enacted this year and we can take another step forward in protecting Ohio's children.

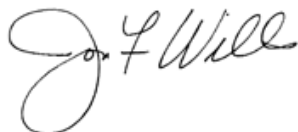
Sincerely,



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Nick Lashutka
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Cc: Senate President Keith Faber
State Senator Shannon Jones
State Representative Steve Huffman
State Representative Anne Gonzales