



June 10, 2015

Chairwoman Gayle Manning
Senate Transportation, Commerce and Labor Committee
Ohio Senate
Columbus, Ohio 43215

Re: Written Interested Party Testimony, Senate Bill 54

Dear Chairwoman Manning,

I submit the following as written testimony on behalf of the Ohio Vapor Trade Association (OHVTA) on Senate Bill 54 (Jones) which deals with child resistant caps/bottles for liquid nicotine.

First and foremost, OHVTA supports regulations designed to protect minors from coming in to contact with e-cigarettes or liquid nicotine. Our industry supported the ban of sales to minors legislation last General Assembly and is not against the use of child resistant caps or bottles for liquid nicotine. We very much appreciate and thank Sen. Shannon Jones, Rep. Steve Huffman who is carrying companion legislation in the House (HB 168), and the American Academy of Pediatrics for working with us to bring some needed changes to SB 54.

While the changes included in the substitute version of SB 54 satisfy some of the concerns of OHVTA, unfortunately a few remain and as such we are must remain as an interested party to this legislation.

OHVTA's main concern with SB 54, and similar legislation in other states, is that it creates a patchwork of regulations across the country. Liquid nicotine is not manufactured solely within Ohio's borders, nor is it sold that way. Retailers, many who are small mom and pop shops, will have to wade through a myriad of state by state regulations that are constantly changing simply to order product for their customers. OHVTA strongly believes that any regulation on the type of cap or bottle that that can be used for liquid nicotine must be regulated at the federal level to truly have the impact that advocates are looking for. In fact, just this week, the Federal Drug Administration (FDA) released draft rules for comment specifically on this topic. Given the interstate commerce of this product, regulation of this nature belongs at the federal level.

To this end, OHVTA is also concerned with the notion that the penalty for selling liquid nicotine not in a child resistant bottle is on the retailer not the manufacturer under this legislation. Again, the

product is manufactured all over the country and placing the burden on to a small Ohio retailer is complicated and confusing. We do appreciate, and support, the changes to the bill that include "knowingly" to the retailer's action but strongly feel that the penalty should be on the manufacturer. If the manufacturer is required place the liquid nicotine in a child resistant bottle to be able for it to be sold, why is the penalty not on them for failing to do so?

OHVTA also supports the inclusion of a grandfather clause in the substitute bill. Without it, vapor stores across Ohio would be out hundreds of thousands of dollars of current inventory, and in some case would put these very shop owners, and their employees, out of work.

Unfortunately, OHVTA does not think SB 54 will have the desired affect that advocates believe it will. This legislation will simply push customers of e-cigarettes and vapor products online to buy product where regulations are hard to enforce or do not exist. While OHVTA supports the concept behind SB 54, we believe there is a more practical method to protecting children while also ensuring that the law is easy to follow and use.

We appreciate the Committee's attention to our concerns. And again, we thank the sponsor of the bill for the changes that have been to the legislation.

Sincerely,

Scott Eley
President
Ohio Vapor Trade Association