Ohio Youth Bicycle Helmet Ordinance Toolkit

Assisting local communities in educating decision makers on the importance of a youth bicycle helmet law.

March 2013

www.healthyohioprogram.org/vipp/oipp/oipp
Through a Centers for Disease Control and Prevention Core Injury grant, the Ohio Department of Health’s Violence and Injury Prevention Program established the Ohio Injury Prevention Partnership (OIPP) in November of 2007. The purpose of the OIPP is to bring together a group of multi-disciplinary professionals from across the state to identify priority injury issues and develop strategies to address them. Child injury is one of the OIPP’s priorities and the members recommended the formation of the Child Injury Action Group (CIAG).

The CIAG has identified five focus areas to address in their five-year strategic plan, including: teen driving safety, bicycle and wheeled sports helmets, infant sleep-related suffocation, sports-related traumatic brain injury, and child restraint/booster seat law review/revision.

For more information about the OIPP or the CIAG, including how to join, please visit: www.healthyohioprogram.org/vipp/oipp/oipp
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Content expertise was provided by the following partners:

**Akron Children’s Hospital**
Lisa Pardi, MSN, RN, CNP, CEN

**Center for Injury Research and Policy at the Research Institute at Nationwide Children’s Hospital**
Nichole Hodges, MPH, MCHES, OIPP Child Injury Action Group, Co-Chair

**Ohio Department of Health, Violence and Injury Prevention Program**
Cameron McNamee, MPP
Sara Morman
Christy Beeghly, MPH

**The Children’s Medical Center of Dayton**
Jessica Saunders

**Ohio Injury Prevention Partnership, Child Injury Action Group**
Members of the Bicycle and Wheeled Sports Helmet Subcommittee

**Disclaimer:** Please be advised that the views expressed by this document do not necessarily represent those of the Ohio Violence and Injury Prevention Program, Ohio Department of Health or any other contributing agency. Allowable activities related to contact with public policymakers vary by state; therefore it is important to consult internal agency rules, state laws, and (where applicable) federal laws to ensure full compliance.
Dear Injury Prevention Colleagues and Concerned Citizens,

Bicycling is an excellent form of physical activity for individuals of all ages, and is very popular among children. It is estimated that 70% of Ohio children 5-14 years of age ride a bicycle regularly. Although bicycling and other wheeled sports are enjoyed by many children, it is important to remember that these activities are not without risk. Children are at particularly high risk of head injuries caused by bicycling and other wheeled sports. Fortunately, many of these injuries can be prevented by simply wearing a bicycle helmet. Bicycle helmets are inexpensive, easy to use, and can prevent up to 88% of traumatic brain injuries (TBIs) in a crash.

Despite the fact that bicycle helmets are highly effective at preventing TBIs, far too few children wear them when they participate in wheeled sports. In a recent survey, only 47.9 percent of Ohioans indicated that the oldest child in the household always or nearly always wore a helmet when bicycling. From 2002 to 2009, more than 7,600 children in Ohio were treated in hospital emergency departments for bicycle-related TBIs and an additional 723 were hospitalized. These injuries cost Ohioans more than $28 million in direct medical costs.

Despite the grim statistics, there is something that we can do to prevent these unnecessary injuries to children. Bicycle helmet laws that mandate helmet usage among children are highly effective at increasing helmet use and reducing injuries. Bicycle-related head injury rates among children have been shown to drop as much as 45% following the enactment of such laws. Helmet laws that are coupled with education and enforcement have shown even greater success.

Twenty-one states and the District of Columbia have statewide youth bicycle helmet laws in place to help prevent these injuries to children. Although Ohio does not have such a law, 24 local jurisdictions in the state have ordinances requiring the use of bicycle helmets among children. These local ordinances cover children in large Ohio cities, such as Cincinnati and Columbus, as well as smaller municipalities like Lakewood and Marietta. In addition, 42% of these laws also require the use of helmets among children participating in other wheeled sports, such as skateboarding, skating, and using non-motorized scooters.

Although we continue to recommend the passage of a statewide youth helmet law for Ohio, we also recognize the desire that many communities have to move forward with this issue at the local level. And indeed, many local municipalities have had great success with these endeavors. Therefore, we encourage you to use the materials in this toolkit to educate and advocate for a local ordinance in your community. You will find a variety of tools to help you get started with your initiative, including: a bicycle helmet law policy brief; model legislation; a list of Ohio jurisdictions with local helmet ordinances; a sample letter to the editor; sample letter of support; frequently asked questions about bicycle helmet ordinances; sample legislation from Ohio municipalities; and a checklist of steps to help you get started.

We hope that you will find this toolkit to be a valuable asset in your work to promote bicycle helmet use and prevent bicycle and wheeled sports-related injuries in your community.

Sincerely,

Nichole Hodges
OIPP Child Injury Action Group, Co-Chair

Liz Fries
OIPP Child Injury Action Group, Co-Chair

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Getting Started
How to Pass a Bicycle Helmet Ordinance

Begin by researching your topic. Try to identify individuals and materials that may aid you in your work. The internet can be a useful tool for gathering data, finding out what has been done in other communities and identifying things you may want to include in your ordinance. Some topics you may consider when conducting your research include the effectiveness and cost effectiveness of helmets, relevant state and local data and helmet ordinances in other communities.

When you are working for change in your community, it’s certain that you’ll run into opponents. You will want to research and identify those who may oppose your ordinance. Be aware that opposition can come from places that you might not expect, for example:

- law enforcement agencies may raise concerns about the burden of enforcement;
- cycling advocates may cite concerns that children will stop riding; and
- community groups may raise concerns over racial profiling and the cost of helmets for low income families.

(For responses to potential opposition, please see Chapter 2)

You will want to talk with people rather than making assumptions because each community is unique. Be sure to meet with potential opposition groups to try and address any potential concerns before reaching out to decision makers. Even if they still oppose what you are trying to do, understanding your opposition’s beliefs, background, and position will force you to refine your message and strategy in order to put yourself in the strongest possible position.

See Chapter 8 for additional resources on dealing with opposition.
Getting Started
How to Pass a Bicycle Helmet Ordinance

Begin to assemble your team by finding other individuals and organizations that support your desire to pass a youth bicycle helmet ordinance in your community. Parents, local government agencies, health care providers, businesses, safety coalitions, and law enforcement officers are some possible groups to start with. You will also want to find local experts, such as pediatricians, injury prevention advocates, or researchers who can speak on your team’s behalf regarding the importance of bicycle helmets and their effectiveness. Ideally, these experts will also be able to help you access state or local data regarding bicycle-related head injuries. Once assembled, reach out to advocates that have successfully implemented an ordinance in their community to help educate your team and provide an important perspective into the process.

Potential Team Members

Parents: Advocates that have been personally impacted by this issue (i.e. injured or deceased child).

Local Government Agencies: Local health department and parks/recreation department.

Health Care Providers: Pediatricians (Ohio Chapter of the American Academy of Pediatrics), emergency department physicians and nurses, trauma surgeons, children’s hospital and trauma center staff, and emergency medical technicians (EMTs).

Local Business: Including businesses that sell bikes and bike helmets.

Safety Coalitions: Local traffic safety coalitions, local Safe Kids, Safe Communities and AAA.

Law Enforcement: Supportive members of your local law enforcement agency.
Once you have assembled your team and feel familiar with your knowledge of the topic, it is time to start meeting with your city/village council representatives. Initially it is best to meet with your representatives individually or in small groups. Although these meetings can be time-consuming, they are essential to the success of your ordinance. The meetings will give you the opportunity to introduce your ideas to your local representatives in a relaxed environment where you can explain the importance of your initiative and answer any questions or concerns that they might have. It also opens the lines of communication so that if they have questions about components an ordinance, you can address their concerns promptly and ensure that they are receiving correct information. If you are not permitted to meet directly with policy makers due to funding restrictions or organizational policies, utilize members of your team who are permitted to do so. *It is important to remember that allowable activities related to contact with public policymakers vary by jurisdiction; therefore consult your internal agency rules and state/federal law to ensure full compliance.*

### Tips for Successful Meeting with Your Decision Maker

- **Make an appointment in advance.** Time is always at a premium. Contact the council member’s office in advance to arrange a meeting. Be clear about who will be attending the meeting and the specific reason for the meeting.

- **Do your homework.** Prepare carefully and thoroughly for your meeting. Take the time to “know” your council member by reviewing past votes or statements on the issue. Know your talking points in advance and be prepared to make your case. Research the opposition’s arguments against your position and, if possible, acknowledge and rebut those arguments in your presentation.

- **Stay “on message.”** Effective meetings should be narrow in scope. Many meetings are ineffective because a participant brings up other issues or strays from the key arguments supporting your position. Have a message and stick to it.

- **Go Local and Don’t Be Afraid to Get Personal.** Local statistics and stories are important and you may be the only source for such rich information. Don’t be afraid to humanize the issue by relating it to your local community or personal experience.

- **Follow-up.** Be sure to send a ‘thank you’ letter after the meeting that not only expresses appreciation but reinforces your message and any verbal commitment of support made by the legislator or staff. If you promise during the meeting to get back in touch with additional information, be sure that you do.

In addition to identifying decision makers who seem supportive of your cause, you will need to find a council member who will sponsor your ordinance and work to ensure its passage (aka a “champion”). Finding a champion is critical to this process because they are some of the most powerful advocates when it comes to influencing their fellow decision makers. While some champions may be easy to find, it may take some research and effort on your part to secure your champion. Here are some suggestions for locating a champion:

- Look at a decision maker’s record, including previous legislation that they have introduced and their voting history. Policy makers that have introduced or voted favorably on the following issues may make excellent champions:
  - protecting children
  - education
  - public safety
  - public health
  - physical activity (including bicycling)

- Review campaign web sites and news articles for stories about your local decision makers. See if they or someone they know has been negatively impacted by injury.

- Look at a decision maker’s background. If they have young children or grandchildren, they may be open to championing your ordinance.

- Find legislative staff members that are supportive of your cause. Do not underestimate the power of a staff person in helping to shape the policy-maker’s opinion and positions on issues or a particular piece of legislation.

Once you have identified a potential champion, be prepared to make your ask. Have team members who are willing to share personal stories, talking points and state/local data to secure a commitment from your champion. Make sure you are also prepared to refute some counterpoints raised by potential opponents of a youth helmet ordinance.
Now that you have found your champion, it is time to begin drafting your ordinance. Your team should review model youth helmet legislation and ordinances from other jurisdictions to aid you in creating an ordinance for your community (See Chapters 4 & 5). Often you will need to weigh the ideal model legislation versus what you believe you can reasonably pass based upon the political climate of your community. Remember, it is often better to aim high so that you have room for future compromises. Even at the local level, few laws are passed without some negotiation.

Here are some items to consider when drafting your ordinance:

- What ages does the ordinance cover?

- Does your ordinance cover passengers, such as infants/children riding in bike seats or trailers? (Note: The American Academy of Pediatrics does not recommend that infants younger than 1 year of age ride as passengers on bicycles or in bike trailers, as they do not have the neck strength to safely support the added weight of a helmet.)

- Do you want to cover riders of bicycles only, or all wheeled sports?

- How will the ordinance be enforced?

- What will the fine/punishment be for failing to obey the law? (Often fines are placed into a fund to provide helmets to children who cannot afford one.)
Work with your champion policy maker to introduce the ordinance and schedule the necessary hearings. The timing of your introduction can raise its profile in the local media and give you the opportunity to highlight its need in your community. Look for opportunities to hold a press event to announce the legislation such as:

- a state or national safety observance;
- a local helmet distribution event; or
- an anniversary of bicycle-related fatality.

Avoid introducing your ordinance during budget deliberations, as it is less likely to get attention from local media.

Following introduction, you will want to keep all of your team members informed about any upcoming hearings on the ordinance and encourage their participation and support. Even simply filling the audience seats at the council meeting can send a powerful message. In addition, work with your team to develop a coordinated letter writing campaign to council members in support of the passage of your ordinance (See Chapter 3).

It is especially important that you have your experts on hand to testify as to the merits of your ordinance. Decision makers are relying on them to provide subject matter expertise. Legislators cannot be experts on every topic, so do not assume they know every detail about the issue.

In addition to experts, do not forget to include personal testimony. This could include community members who have a child who has experienced a bike-related brain injury, who have lost a child, or who have been saved by the use of a bicycle helmet. Stories and personal testimony give those who are in power a more "human" perspective on how important your policy is or could be for your community.

By this time you will have also identified the opposition to your ordinance and will be aware of their arguments, so be sure that your team is able to address these concerns in a logical and professional manner when presenting testimony.
Personal stories carry weight. If you have a personal story relevant to the legislation, it demonstrates to the members of the committee the real-world impact and importance that the bill will have if it becomes law. Often, the tale of one person’s experience can be more persuasive than a flurry of statistics about thousands of people, because a story carries moral and emotional weight that pure numbers do not. Good testimony combines both sincere story and scientific fact.

Be confident and direct, strong but polite. Decision makers are used to being treated with respect, so regardless of what you think of their personalities or their stance on an issue, always be diplomatic. It’s appropriate to disagree with a member, but do so in a thoughtful and considerate way.

Be honest. There’s a temptation, especially if you’re nervous, to fudge things a little bit to strengthen your case. Don’t—it will only weaken your testimony and undermine your credibility. Address difficult issues or objections to your position head-on with candor and a smile. Legislators will respect this approach. Also, most testimony is a mixture of facts and opinions, which is fine; just be clear in your own mind, and forthright with your audience, about which is which.

Speak (don’t read) to the members of the committee. If you can, practice your testimony so that you’re comfortable speaking directly to the committee while making eye contact, rather than reading word-for-word. Bring an outline of your key points to use as a guide.

If you don’t know, say so. Speculation about something you “think” might be true is not appropriate. It’s always okay to say, “That’s a good question and I don’t know the answer. Let me find out and get back to you.” Whenever you promise to follow up, be sure that you do in a timely manner.

The introduction of the ordinance is also the best time to promote it within the community. Develop a coordinated outreach plan with your team and create key messages so that all members are providing consistent information. Key messages should include information to head off potential opposition arguments or attempts at misinformation.

Carefully consider what forms of media you want to use to engage the community. With the wide variety of media outlets (television, magazines, newspapers [including letters to the editor], newsletters, blogs, social media, radio, etc.) there is no end to the possibilities. That said, it is always important to keep in mind your target audience (general public, policy makers, parents, etc.) you are trying to reach and what outlets are most effective. After deciding on your methods of outreach, be sure to secure commitments from team members, assign responsibilities and set a timeline for completion.

When reaching out to the media make sure to have a 1 to 2-minute “elevator speech” ready so that you feel prepared when someone asks you to explain your position on the topic. Elevator speeches become your own personal talking points, and help you make your case concisely (e.g., if you happen to be in an elevator for two minutes with a journalist or policy maker) (See Chapter 8). It’s a good idea to have your news item already framed so journalists might be more likely to report the story your way.

Hopefully at this point your campaign has been successful and you have a new youth helmet law in place for your community. If so, congratulations! Follow up with all of those individuals who supported your ordinance (especially your legislative sponsor), and try to build bridges with those who were opposed to the ordinance. It is now time to start publicizing the ordinance and educating parents.

If your ordinance was not successful, don’t despair. Revisit your decision makers to see if there is support for a compromised ordinance in the future. If you are still unable to reach an acceptable solution, you may want to put the ordinance aside for a little while before trying again. Don’t give up. The political climate is always changing; you may just have to wait for your opportunity.
Q. How are bicycle helmet laws enforced?

A. Enforcement of bicycle helmet laws is similar to the enforcement of other traffic-related violations, and requires the cooperation and support of law enforcement. In addition to warnings and citations issued by law enforcement, officers may choose to offer positive reinforcement incentives/rewards to children wearing a helmet.

The purpose of bicycle helmet ordinances is to increase bike helmet use, not penalize violators; therefore, many ordinances contain a provision that allows families to show proof of helmet ownership in lieu of paying the fine.

Q. Will a bike helmet ordinance be a burden on law enforcement?

A. No. The ordinance will not require law enforcement to issue a large number of citations to be effective. Additionally, it will allow law enforcement to use the ordinance as a community relations tool, by providing education and interaction with local youth. Experience in other communities that have enacted bicycle helmet ordinances indicates that helmet use increases dramatically without law enforcement needing to issue many citations. We realize that law enforcement time is valuable, and this ordinance will not distract from other law enforcement activities.

Q. Can low-income families afford to comply with the ordinance?

A. Fortunately, bicycle helmets are relatively inexpensive. Many big box retailers in Ohio offer bike helmets for as little as $10. For families who cannot afford to purchase a helmet, some communities have local programs available at hospitals, health departments, and social service organizations to provide assistance. As an added resource for families, many communities use fines collected from violations of the ordinance to assist low-income families in purchasing helmets.
Q. Shouldn’t it be up to parents to enforce the wearing of bicycle helmets?
A. It is a parent’s responsibility to ensure that their children wear protective helmets when riding their bicycles, but research shows that mandatory helmet ordinances are needed to increase helmet use and decrease bicycle-related injuries and deaths. The majority of Ohio parents are in favor of such measures because they help them to enforce the use of helmets, especially when their children are out of their sight. Ohio poll data shows that more than 75% of Ohioans support a mandatory bicycle helmet law. Large majorities are in favor of such a law, regardless of the demographic characteristics of the participants, such as age, sex, race, household income or political affiliation.

Q. Do other cities and towns in Ohio require children to wear bicycle helmets?
A. Twenty-four cities and towns in Ohio require children to wear bicycle helmets when they ride (See Chapter 5). In addition, 21 states in the US and at least 200 local jurisdictions also have bicycle helmet laws.

Q. Will the ordinance be used by law enforcement to profile or harass minorities or other groups?
A. Although this question has been raised by some groups, there is no evidence that this has occurred in other localities that have enacted helmet regulations. The NAACP and HUD have testified in Ohio in support of a statewide helmet law. Some studies have shown lower helmet use rates among African Americans in communities without a helmet ordinance. Therefore, a helmet ordinance may actually greatly benefit minority populations.

Q. Will requiring helmets reduce bicycle use by children and therefore lead to a reduction in physical activity?
A. There is no U.S. data to suggest that ridership has declined in the states and localities where bike helmet laws have been enacted. Other factors such as weather, perceived safety dangers, previous biking-related injury, and the financial inability to purchase/maintain a bike are more likely deterrents to bicycling.
Sample Letter to the Editor in Support of Youth Bicycle Helmet Legislation

To the Editor:

Each year in Ohio, an average of 953 children are taken to the emergency department for the treatment of bicycle-related traumatic brain injuries (TBIs) and five die as a result of their injuries. Those numbers may seem small to some, but given the devastating and lasting impact that even relatively minor brain injuries can have on an individual’s mental, physical, and social wellbeing, preventing such injuries among children should be a top priority for our community.

Fortunately, children do not have to give up riding bicycles, scooters, and skates in order to reduce their risk of a TBI. A simple prevention strategy exists. A properly fitted bicycle helmet can reduce the risk of TBI by up to 88% in a crash. Bicycle helmets are easy to use by even young children and can be purchased locally for as little as $10.

While many of us understand the importance of bicycle helmet use, not everyone has received this potentially life-saving message. That is why I encourage you to support a youth bicycle helmet ordinance for the [city or village] of [insert city/village name here]. Bicycle helmet laws have been shown to be highly effective at increasing helmet use among children. States and cities passing such laws have seen bicycle helmet use increase significantly and bicycle-related head injuries decrease by up to 45%.

I believe that the children of [insert city/village name here] would benefit from such a law and I encourage your support to keep our children safe while still having fun.
Sample Letter to Decision Maker in Support of Youth Bicycle Helmet Legislation

Dear [Decision Maker]:

I was pleased to hear that the [city/village council] was considering a proposal to adopt a youth bicycle helmet law. I urge your support for it.

Each year in Ohio, an average of 953 children are taken to the emergency department for the treatment of bicycle-related traumatic brain injuries (TBIs) and five die as a result of their injuries. Those numbers may seem small to some, but given the devastating and lasting impact that even relatively minor brain injuries can have on an individual’s mental, physical, and social wellbeing, preventing such injuries through the passage of a youth bicycle helmet ordinance should be a priority for our community.

While many of us understand the importance of bicycle helmet use, not everyone has received this potentially life-saving message. Bicycle helmet laws have been shown to be highly effective at increasing helmet use among children. States and cities passing such laws have seen bicycle helmet use increase significantly and bicycle-related head injuries decrease by up to 45%.

Bicycle helmet laws are also popular among a majority of Ohio parents. Such measures have widespread support because they are an effective tool for parents to enforce the use of helmets, especially when their children are out of their sight. In addition, bicycle helmets are easy to use by even young children and can be purchased locally for as little as $10.

Your votes to protect the safety and wellbeing of children in the past have demonstrated your support for such issues. I urge you now to vote in favor of the youth bicycle helmet ordinance.

If there is any way I might be of assistance, please do not hesitate to call on me. Thank you for your support.

Name
Address
Phone Number

For additional resources on writing a letter to a decision maker see Chapter 8.
Safe Kids USA

(please note: this is model state legislation but can easily be adapted to a local ordinance)

BE IT ENACTED BY THE LEGISLATURE OF --------------

Section 1. This act shall be known and may be cited as the "Child Bicycle Safety Act."

Section 2. As used in this act, the following words shall have the following meanings:

(A) BICYCLE. A human-powered vehicle with two (2) wheels in tandem designed to transport, by the act of pedaling, one (1) or more persons seated on one (1) or more saddle seats on its frame. "Bicycle" includes, but is not limited to, a human-powered vehicle designed to transport by the act of pedaling which has more than two (2) wheels when the vehicle is used on a public roadway, public bicycle path, or other public road or right-of-way.

(B) OPERATOR. A person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.

(C) OTHER PUBLIC RIGHT-OF-WAY. Any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of the state or a local political subdivision thereof.

(D) PASSENGER. Any person who travels on a bicycle in any manner except as an operator.

(E) PROTECTIVE BICYCLE HELMET. A piece of headgear which meets or exceeds the impact standard for protective bicycle helmets set by the American National Standards Institute (ANSI), the Snell Memorial Foundation, the American Society for Testing and Materials (ASTM) or any established safety standard adopted by the federal government.

(F) PUBLIC BICYCLE PATH. A right-of-way under the jurisdiction and control of the state, or a local political subdivision thereof, for use primarily by bicyclists and pedestrians.

(G) PUBLIC ROADWAY. A right-of-way under the jurisdiction and control of the state or a local political subdivision thereof for use primarily by motor vehicular traffic.

Section 3. The purpose of this act is to reduce the incidence of bicycle-related death and disability by requiring that, while riding on a bicycle on public roadways, public bicycle paths, or other public right-of-way, all operators and passengers wear approved bicycle helmets.

Section 4. It is unlawful for any person to use a bicycle on a public roadway, public bicycle path, other public rights-of-way, under any one of the following conditions:
(A) For any person to operate or be a passenger on a bicycle unless at all times the person wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

(B) For any parent or legal guardian of a person ages 17 and under to knowingly permit the person to operate or be a passenger on a bicycle in violation of subdivision (A) of this section.

(C) A local unit of government may adopt standards as strict or more stringent than the requirements of this section.

Section 5. (A) A person regularly engaged in the business of renting bicycles shall require each person seeking to rent a bicycle to provide his or her signature either on the rental form or on a separate form indicating both of the following:

1. Receipt of a written explanation of the provisions of this act and the penalties for violations.
2. A statement concerning whether a person ages 17 and under will operate the bicycle in an area where the use of a helmet is required.

(B) A person regularly engaged in the business of renting bicycles shall provide a helmet to any person who will operate the bicycle in an area requiring a helmet, if the person does not already have a helmet in his or her possession. A reasonable fee may be charged for the helmet rental.

(C) A person regularly engaged in the business of selling or renting bicycles who complies with this act shall not be liable in a civil action for damages for any physical injuries sustained by a bicycle operator or passenger as a result of the operator's or passenger's failure to wear a helmet or to wear a properly fitted or fastened helmet in violation of this act.

Section 6. Failure to wear a bicycle helmet as described in Section 4 shall not be considered evidence of contributory negligence and shall be inadmissible in any civil action.

Section 7. Violations of Section 4 of this act shall be handled in the following manner:

(A) On the first offense, the violator shall be assessed a fine not to exceed $25.

(B) On the second offense and all subsequent offenses, the violator shall be assessed a fine not to exceed $100.

(C) Fines assessed to violators ages 17 and under will be the legal responsibility of the violator's parent or guardian.

(D) The court may waive the fine on a first offense upon presentation of evidence that the violator has purchased or procured an approved bicycle helmet and demonstrates the intention of using the helmet as required by law.

Section 8. The State shall establish a statewide fund known as the "Bicycle Safety Fund." All monies in this fund shall be used for the following purposes:

(A) To create, improve and sustain a program of bicycle safety education offered to the public in each county in the State.

(B) To assist low-income families in the purchase and procurement of an approved bicycle helmet.

Section 9. This act shall become effective 90 days from its passage and approval by the Governor, or upon its otherwise becoming a law.

Source: www.helmets.org/modlaw.htm
Akron

75.01 - Bicycles.

A. The provisions of this title which are applicable to bicycles apply whenever a bicycle is operated on any street or highway or on any path set aside for the exclusive use of bicycles.

B. Every person operating a bicycle shall obey the instructions of official traffic-control devices and signals applicable to vehicles, unless otherwise directed by a police officer.

C. Every person under sixteen years of age operating a bicycle shall wear a helmet of good fit, fastened securely and meeting ANSI (American National Standards Institute) Z90.4 or subsequent bicycle helmet standards or the Snell Memorial Foundation’s 1984 Standard for Protective Headgear For Use in Bicycling or subsequent standard.

D. No person operating a bicycle shall allow passengers under sixteen years of age to ride unless the passenger is wearing a protective helmet meeting the standards set out in 75.01(C) and in a firmly attached regular seat thereon or riding in an enclosed trailer or other device which meets or exceeds current nationally recognized standards of design and manufacturer for the protection of the passenger’s head from impacts in an accident without the need for a helmet.

E. Any person found in violation of section (C) or (D) shall be informed by the police of the violation and warned on a first offense.

F. A second violation of (C) or (D) shall be dismissed if the person charged submits proof that equipment meeting the standards in (C) or (D) has been acquired for use by the operator or passenger. Otherwise, any violation of (C) or (D) is punishable by a fine, including all costs, of not more than ten dollars. Any fine may be suspended by the court if the violator participates in an Akron Police Department approved bicycle safety program.

G. Failure to observe the provisions of sections (C) and (D) shall not be admissible as evidence of negligence in a court of law.

H. In order to monitor the enforcement of this provision, the police will collect data regarding warnings and citations issued with reference to the United States Census Tract, where the warning or citation arose. Penalty, see § 70.99. (R.C. § 4511.52)

(Ord. 179-2001; Ord. 729-1973)
Columbus

2173.02 - Rules for bicycles, motorcycles, snowmobiles, and children’s non-motorized vehicles.

(A) A person operating a bicycle shall not ride other than upon or astride the permanent and regular seat attached thereto, and a person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

No person operating a bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one (1) hand upon the handle bars.

No person operating a bicycle or motorcycle shall carry more persons at one (1) time than the number for which it is designed and equipped, nor shall any person operate a motorcycle on a street or highway when the handle bars or grips are more than fifteen (15) inches higher than the seat or saddle for the operator.

No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen (18) years, or who holds a motorcycle operator’s endorsement or license bearing a “novice” designation that is currently in effect as provided in Section 4507.13 of the Ohio Revised Code shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person’s head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action. Nothing in this section shall be construed as prohibiting the carrying of a child over the age of one (1) year but under the age of eighteen (18) years in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.
(B) (1) No person under the age of eighteen (18) shall operate a bicycle or children's non-motorized vehicle within the City without wearing a protective helmet on the person's head, with the chin strap fastened under the person's chin. Such helmet shall be fitted to the size of the operator's head and shall meet or exceed the standards set forth by the U.S. Consumer Product Safety Commission (CPSC).

No person the age of one (1) or older but under the age of eighteen (18) shall ride as a passenger on a bicycle or non-motorized vehicle equipped with a firmly attached passenger seat or astride a regular seat on a tandem bicycle, within the City without wearing a protective helmet on the person's head, with the chin strap fastened under the person's chin. Such helmet shall be fitted to the size of the operator's head and shall meet or exceed the standards set forth by the U.S. Consumer Product Safety Commission (CPSC). Failure to wear a protective helmet as required in this division shall not be considered to be comparative or contributory negligence on the part of the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child nor on the part of the child nor shall such failure be admissible in any civil action.

(2) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen (18) years of age shall authorize or knowingly permit such child to violate any provision of this division.

(C) (1) Except as otherwise provided in this division, whoever violates division (A) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (B) of this section shall be fined no more than twenty-five dollars ($25.00).

(D) The Director of Public Safety and the Chief of Police shall be responsible for enforcing division (B) of this section, and shall, as in all other enforcement actions, be afforded discretion and professional judgment in determining the appropriate enforcement action, including a verbal or written warning or the issuances of a summons.

(E) All fines collected for violations of division (B) of this section shall be deposited into the Bicycle Safety Fund.

(ORC 4511.53) (Ord. 1317-78; Ord. 2120-03 § 1 (part); Ord. 0950-2008 § 1 (part); Ord. 1987-2008 Attach. 1 (part).)
## Local Helmet Ordinances in Ohio

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Age/Conditions</th>
<th>Date Enacted</th>
<th>Population Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akron</td>
<td>Under 16</td>
<td>2001</td>
<td>49,784</td>
</tr>
<tr>
<td>Beachwood</td>
<td>Under 16</td>
<td>1990</td>
<td>2,101</td>
</tr>
<tr>
<td>Bexley</td>
<td>Under 16</td>
<td>2010</td>
<td>3,133</td>
</tr>
<tr>
<td>Blue Ash</td>
<td>Under 16</td>
<td>2003</td>
<td>2,728</td>
</tr>
<tr>
<td>Brecksville</td>
<td>Under 18*</td>
<td>1998</td>
<td>3,090</td>
</tr>
<tr>
<td>Brooklyn</td>
<td>Under 14</td>
<td>2001</td>
<td>1,653</td>
</tr>
<tr>
<td>Centerville</td>
<td>Under 16</td>
<td>1999</td>
<td>4,542</td>
</tr>
<tr>
<td>Cincinnati</td>
<td>Under 16*</td>
<td>2004</td>
<td>72,896</td>
</tr>
<tr>
<td>Columbus</td>
<td>Under 18*</td>
<td>2009</td>
<td>171,762</td>
</tr>
<tr>
<td>Dayton</td>
<td>Under 13</td>
<td>2004</td>
<td>31,106</td>
</tr>
<tr>
<td>East Cleveland</td>
<td>Under 18*</td>
<td>2004</td>
<td>8,051</td>
</tr>
<tr>
<td>Enon</td>
<td>Under 16*</td>
<td>2004</td>
<td>440</td>
</tr>
<tr>
<td>Euclid</td>
<td>Under 14</td>
<td>2001</td>
<td>9,182</td>
</tr>
<tr>
<td>Glendale</td>
<td>Under 19*</td>
<td>2000</td>
<td>429 (Under 18)</td>
</tr>
<tr>
<td>Kettering</td>
<td>Under 16*</td>
<td>2004</td>
<td>11,550</td>
</tr>
<tr>
<td>Lakewood</td>
<td>Under 18</td>
<td>1997</td>
<td>11,945</td>
</tr>
<tr>
<td>Madeira</td>
<td>Under 17*</td>
<td>2002</td>
<td>2,298</td>
</tr>
<tr>
<td>Marietta</td>
<td>Under 16*</td>
<td>2004</td>
<td>2,654</td>
</tr>
<tr>
<td>Orange Village</td>
<td>Ages 6 – 15</td>
<td>1992</td>
<td>549</td>
</tr>
<tr>
<td>Pepper Pike</td>
<td>Under 18</td>
<td>2000</td>
<td>1,425</td>
</tr>
<tr>
<td>Shaker Heights</td>
<td>All ages over 5, inc. passengers</td>
<td>1997</td>
<td>19,865 (Ages 6-17)</td>
</tr>
<tr>
<td>South Euclid</td>
<td>Under 14</td>
<td>2000</td>
<td>4,612</td>
</tr>
<tr>
<td>Strongsville</td>
<td>Under 12</td>
<td>1993</td>
<td>7,577</td>
</tr>
<tr>
<td>Waynesville</td>
<td>Under 17*</td>
<td>2000</td>
<td>638</td>
</tr>
</tbody>
</table>

**Total Youth Population Covered by Helmet Ordinance**: 430,841 (~15%)

**Total Ohio Population under 18**: 2,888,339

*Also covers one or more non-bicycle wheeled vehicles: in-line skates, roller skates, skateboarders, non-motorized scooters.*

2. US Census 2000
## Top Ten Ohio Cities by Total Population

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Population Under 18</th>
<th>Bicycle Helmet Ordinance(^2)</th>
<th>Non-bicycle Wheeled Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbus</td>
<td>711,470</td>
<td>171,868</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Cleveland</td>
<td>478,403</td>
<td>136,403</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Cincinnati</td>
<td>331,285</td>
<td>81,144</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Toledo</td>
<td>313,619</td>
<td>82,131</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Akron</td>
<td>217,074</td>
<td>54,966</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Dayton</td>
<td>166,179</td>
<td>41,732</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Parma</td>
<td>85,655</td>
<td>19,085</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Youngstown</td>
<td>82,026</td>
<td>21,163</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Canton</td>
<td>80,806</td>
<td>21,494</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Lorain</td>
<td>68,652</td>
<td>19,454</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Total population under age 18 in the six remaining cities (listed above) that do not have helmet ordinances: 299,730

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1. US Census 2000
Bexley passes law requiring kids to wear bike helmets

(Columbus Dispatch, 7/27/2010)

“Bexley Councilman Jed Morison said that even if no one is cited, such a law sends a message that parents should make sure that children are taking safety precautions.”

“Councilman Matt Lampke said he voted for the law because residents wanted it. But he said it was a personal matter as well. When Lampke was 15, he recalled, his younger brother flew over the handlebars of a bike and landed on his head when another child's bike ran into his.

‘He was in a coma for days,' Lampke said. ‘Coming out of it, he had to learn to read and write all over again. It isn’t always death, but these things can be life-changing.’

Back then, wearing a helmet would have been considered odd, Lampke said. Today, it’s more socially acceptable.”
Blue Ash enacts bike helmet law
(The Cincinnati Enquirer 10/10/2003)

“Thursday night, council unanimously approved an emergency ordinance requiring bicyclists under age 16 to wear helmets.”

“No one spoke against the ordinance at Thursday's meeting.”

“‘It was wonderful to see it pass,’ said Jennifer Ringel, a local pediatrician who spearheaded the ordinance.”

“She and her supporters applauded after council voted 6-0 to enact the measure. Ringel's nephews, Jake Friedman, age 6 1/2, and his brother, Seth, 3 1/2, sat in the audience wearing bike helmets to promote the cause.”

Waynesville has Tristate's first helmet law
(The Cincinnati Enquirer 7/28/2000)

“A teen-age skateboarder who nearly died from a fall has given life to the Tristate's first ordinance requiring children to wear helmets while biking or riding skateboards and in-line skates.”

“...the impact of his near-fatal fall will be felt here for years to come. Village Council members, appalled at the severity of his injury and the ease with which it could have been prevented, enacted the helmet law last week.”

“'If we have to be the first in the area, that's all right,’ Waynesville Village Manager Kevin Harper said. ‘We just want to do what's right to protect the safety of our children.' ”
The following Bicycle Helmet Injury Prevention Policy Brief was developed by the Ohio Injury Prevention Partnership’s Injury Prevention Policy Action and Advocacy Group (IPPAAG).

The goals of the IPPAAG are:

**Goal 1**: Support public health policies designed to advance injury prevention in Ohio.

**Goal 2**: Develop champions to advocate for effective injury prevention policies.

**Goal 3**: Develop promotion and communication strategies to support injury prevention policies.

BICYCLE AND WHEELED SPORTS HEAD INJURIES

Bicycling is an excellent form of exercise for people of all ages, however, it is important to remember that it is not without risk of injury, especially for children. Fortunately, many serious bicycle-related injuries can be prevented by simply wearing a helmet. Bicycle helmets are highly effective at preventing injuries to the head and face and can keep children cycling for many years to come.

OHIO FACTS

- More than 5 Ohioans under the age of 18 died each year from bicycle-related TBIs from 1999 to 2007.
- From 2002 to 2009, 7,629 young Ohioans were treated in emergency departments and 723 were hospitalized for bicycle-related TBIs.
- Emergency department visits and hospitalizations for youth bicycle-related TBIs cost Ohioans more than $28 million dollars in direct medical costs between 2002 and 2009.

SUMMARY

- Traumatic brain injury (TBI) is the leading type of serious bicycle-related injury.
- Nearly 60% of all bicycle-related deaths are due to head injuries.
- Bicycle helmets can reduce the risk of TBI in a crash by up to 88%.
- Bicycle helmets laws are an effective method of increasing bicycle helmet usage among youth, especially when paired with educational interventions.

BICYCLE AND WHEELED SPORTS HEAD INJURIES

- Bicycles are associated with more injuries to children than any other consumer product except motor vehicles.
- Each year in the US, an estimated 389,000 children and teens 18 years of age and younger are treated in hospital emergency departments (EDs) for bicycle-related injuries. One-third (33.8%) of these injuries are to the face or head.
- The majority (68.4%) of bicycle-related head injuries to children are diagnosed as concussions, contusions, or internal organ injuries.
- Children with bicycle-related head injuries are over 3 times as likely to require hospitalization and nearly 6 times more likely to die from their injuries than children with injuries to other body parts.
- Skateboards, non-motorized scooters and skates are also significant sources of injury, resulting in a total of more than 167,000 injuries annually among children younger than 15 years.

DID YOU KNOW?

Although an estimated 70% of Ohio children ages 5-14 years ride a bicycle regularly, only 10-20% wear a helmet when they ride.
EFFECTIVENESS OF BICYCLE HELMET LAWS

Bicycle helmet laws for children have been found to be highly effective in promoting helmet use and reducing head injuries. At least 15 published peer-reviewed studies have shown that bicycle helmet laws increase helmet usage, and at least 6 studies have shown that bicycle-related TBIs decreased following the enactment of a bicycle helmet law. One study found that the presence of a bicycle helmet law increased helmet usage by approximately 18% among children younger than 16 years of age. Other studies have shown much higher increases, in some cases greater than 55%.

Bicycle helmet laws alone are effective at increasing helmet usage rates, even with minimal enforcement, but the effect is broader when paired with community education and support by law enforcement. The impact of a bicycle helmet law is most pronounced in communities with lower baseline helmet rates and in low income areas.

Ohio parents support youth bicycle helmet legislation. Statewide data from two Ohio Polls found that more than 75% of parents support a mandatory bicycle helmet law for children younger than 18 years. This included a significant majority of the respondents in all subpopulation groups, regardless of age, race, education, income, and other demographics. These polls are consistent with results from other parts of the U.S.

CURRENT BICYCLE HELMET LAWS

OHIO: Does not have a state law requiring the use of bicycle helmets, however, 24 local jurisdictions in the state have ordinances requiring their use by children. Although these jurisdiction include 4 of the state’s 10 largest cities, only 15% of Ohio children live in communities covered by such laws. Among Ohio communities with a bicycle helmet ordinance, 42% also require the use of helmets for other wheeled sports, such as in-line skates, skateboards and non-motorized scooters.

NATIONALLY: Currently 21 states and the District of Columbia have state-wide bicycle helmet laws. Although most cover only children, a few cover adults as well. In addition, there are more than 200 local bicycle helmet ordinances in the US. This means that half of the children in the US live in communities with youth bicycle helmets laws. Eight states and the District of Columbia also require helmet use for children participating in other wheeled sports.

Universal bicycle helmet use by children 4 to 15 would prevent 39,000 to 45,000 head injuries, and 18,000 to 55,000 scalp and face injuries annually.

21 STATES AND THE DISTRICT OF COLUMBIA HAVE STATE-WIDE BICYCLE HELMET LAWS
BICYCLE HELMET MODEL LEGISLATION

Although bicycle helmet laws are relatively common throughout the country, they vary widely in their parameters. Many differences exist with regard to where, when and to whom the laws apply. The following best practice recommendations were developed by leaders in the injury prevention field:

■ **AGE:** Youth helmet laws should apply to all minors under the age of 18 years. This allows for maximum protection for teens as well as younger children.

■ **PASSENGERS:** Passengers should be required to wear helmets too. (Note: infants younger than 1 year of age do not have the neck strength to support the added weight of a bicycle helmet and cannot safely ride as passengers on bicycles.)

■ **OTHER WHEELED SPORTS:** It is important to consider including other wheeled sports such as skateboarding, skating, or using a non-powered scooter in any proposed bicycle helmet legislation. Children can sustain serious brain injuries or even die from crashes while riding on these items as well, even at slow speeds.

■ **BICYCLE HELMETS:** Helmets should meet US Consumer Product Safety Commission standards, fit properly, and be fastened under the chin.

■ **FINES:** Many jurisdictions place collected fines in a bicycle helmet fund to be used to purchase helmets for children who cannot afford one. Fines are often waived in lieu of proof of purchase or procurement of a bicycle helmet.

**CONCLUSION**

■ Bicycle helmets are the single most effective way to reduce head injuries and fatalities resulting from bicycle crashes.

■ Bicycle and wheeled sport helmet laws can significantly increase helmets use among children and thereby prevent life-altering TBIs and even death.

■ Many local jurisdictions in Ohio have helmet laws currently on record, but these laws cover only 15% of Ohio’s children.

■ Expanding bicycle helmet law coverage to all children in Ohio would result in substantial increases in helmet usage and lower rates of bicycle-related fatalities and TBIs.

**DID YOU KNOW?**

The purchase of a $10 bicycle helmet saves Ohioans approximately $50 in direct medical costs. In addition, every helmet saves health insurers $57 and auto insurers $17.

**Disclaimer:** The policies featured in this publication do not necessarily reflect the views of the Ohio Department of Health or any other state agency. Allowable activities related to contact with public policy makers vary by state; therefore it is important to consult internal agency rules, state laws, and (where applicable) federal laws to ensure full compliance.
Helmet Fit is Important

Make sure the helmet fits and your child knows how to put it on correctly. A helmet should sit on top of the head in a level position, and should not rock forward, backward or side to side. The helmet straps must always be buckled but not too tightly. To ensure a proper fit, try the eyes, ears and mouth test:

**EYES CHECK:** Position the helmet on your head. Look up and you should see the bottom rim on the helmet. The rim should be one to two finger-widths above the eyebrows.

**EARS CHECK:** Make sure the straps of the helmet form a “V” under your ears when buckled. The strap should be snug but comfortable.

**MOUTH CHECK:** Open your mouth as wide as you can. Do you feel the helmet hug your head? If not tighten those straps and make sure the buckle is flat against your skin.

For more information on bicycle and wheeled recreation injury

OIPP, Child Injury Action Group
www.healthyohioprogram.org/vipp/ciag/ciag.aspx

Ohio Department of Health
www.healthyohioprogram.org/vipp/child/tbi.aspx

National Highway Traffic Safety Administration
hwwww.nhtsa.gov/Bicycles/

American Academy of Pediatrics
www.healthychildren.org

Safe Kids USA
www.safekids.org

Center for Injury Research and Policy of the Research Institute at Nationwide Children's Hospital
www.nationwidechildrens.org/injury-research-and-policy

Bicycle Helmet Safety Institute
www.bhsi.org

References

Additional Resources

General Bicycle Helmet Resources

Safe Kids USA, Bicycling and Skating Safety

Bicycle Helmet Safety Institute
www.helmets.org/index.htm

National Highway Traffic Safety Administration (NHTSA), Bicycle Safety
www.nhtsa.gov/Bicycles

American Academy of Pediatrics, Bicycle Helmets
http://pediatrics.aappublications.org/content/108/4/1030.full

Letter to Decision Makers and the Media

University of Kansas, The Community Tool Box
Letter to the Editor: http://ctb.ku.edu/en/tablecontents/sub_section_main_1239.aspx

Dealing with Opposition

University of Kansas, The Community Tool Box
Studying the Opposition: http://ctb.ku.edu/en/tablecontents/sub_section_main_1214.aspx
Responding to Counterattacks: http://ctb.ku.edu/en/tablecontents/chapter_1035.aspx
Additional Resources

Elevator Speech Resources

Centers for Disease Control and Prevention, Adding Power to Our Voices: A Framing Guide for Communicating About Injury

M+R Strategic Services, Elevator Pitch

Developing Your Persuasive Message: www.powerprism.org/27-9-3-elevator-pitch.htm
Developing Your Persuasive Message Worksheet:
www.powerprism.org/27-9-3_Worksheet.pdf

Community and Media Outreach

University of Kansas, The Community Tool Box

Working with the Media: http://ctb.ku.edu/en/tablecontents/section_1269.aspx
Creating News Stories the Media Wants:
Changing the Media's Perspective on Community Issues:

Ohio Data Resources

Ohio Department of Health, Violence and Injury Prevention Program

Bicycle-Related TBI Data: www.healthyohioprogram.org/vipp/child/tbi.aspx
Additional Resources

Ohio Resources

Center for Injury Research and Policy at the Research Institute at Nationwide Children’s Hospital, Bicycle Safety
www.nationwidechildrens.org/cirp-bicycle-safety

Akron Children’s Hospital
www.akronchildrens.org/cms/safe_kids/

The Children’s Medical Center of Dayton
www.childrensdayton.org/cms/safekids/index.html

ProMedica Toledo Children’s Hospital
http://www.promedica.org/safekids

Rainbow Babies and Children's Hospital
www.injurypreventioncenter.com/

Cincinnati Children’s Hospital Medical Center
www.cincinnatichildrens.org/service/c/ccic/default/

Ohio Safe Kids Coalitions
www.safekids.org/in-your-area/coalitions/list.html?localstate=OH&state=OH

Ohio Department of Public Safety, Traffic Safety Office, Safe Communities
http://ohiohighwaysafetyoffice.ohio.gov/safecommunities.stm

Ohio Chapter, American Academy of Pediatrics
www.ohioaap.org/foundation/injury-prevention