

**RESOLUTION AUTHORIZING PURSUIT OF LITIGATION AGAINST THE MANUFACTURERS,
DISTRIBUTORS, AND RETAILERS OF JUUL, E-CIGARETTES, AND VAPING DEVICES**

Mr. President, I move the following resolution be adopted:

RESOLUTION

WHEREAS, the Centers for Disease Control (CDC) and the U.S. Department of Health and Human Services, Office of the Surgeon General, has categorically declared the use of vaping devices is unsafe for kids, teens, and young adults.ⁱ

WHEREAS, the US Food and Drug Administration (FDA), on September 11, 2018, classified the use of e-cigarettes and vaping devices among teens and young people as an “epidemic” and public health crisis.ⁱⁱ

WHEREAS, the CDC has recently warned the public against the dangers of JUUL devices and other e-cigarettes due to the occurrence of hundreds of recent illnesses and at least nine deaths in the past several months.ⁱⁱⁱ

WHEREAS, the CDC has warned that the effects of JUUL device usage on young people can prime the body to become addicted to other substances. *Id.*

WHEREAS, the state of Kansas has identified at least two confirmed vaping related deaths since September 2019.^{iv}

WHEREAS, on September 9, 2019, the FDA sent JUUL a warning letter detailing improper marketing and labeling practices in the advertisement of JUUL devices.^v

WHEREAS, Stanford Research into the Impact of Tobacco Advertising (SRITA), with Stanford University School of Medicine, published a white paper on January 31, 2019, examining JUUL’s marketing practices and concluding that JUUL’s strategy and advertising was patently youth oriented.^{vi}

WHEREAS, the number of students using vaping devices has risen sharply since 2017,^{vii} and the use of JUUL and other vaping devices poses a significant risk to students’ health and education, both in Kansas and across the country.

WHEREAS, Unified School District No. 233, Johnson County, Kansas (“District”) has experienced and continues to experience serious difficulties with students using JUUL devices, which has created a disruption of the District’s educational program, which has forced the District to divert resources to curb and prevent student JUUL usage, which has created a health risk for District students and employees, and which continues to threaten the educational goals and institutional operations of the District.

NOW, THEREFORE, BE IT RESOLVED BY UNIFIED SCHOOL DISTRICT NO. 233, JOHNSON COUNTY, KANSAS:

The District authorizes the law firms of GOZA & HONNOLD, LLC, NORRIS KEPLINGER HICKS & WELDER, LLC, BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C., GACOVINO, LAKE & ASSOCIATES, P.C., and WAGSTAFF & CARTMELL, LLP, et al., to investigate and initiate litigation and file suit against any necessary parties to recover damages suffered by the District as a result of the manufacture, markings, and sale of e-cigarette and vaping devices, and to seek all appropriate relief. The District hereby authorizes Superintendent John Allison to sign all necessary contracts and other documents on behalf of the district.

ADOPTED this ____ day of September, 2019, by the Board of Education of Unified School District No. 233, Johnson County, Kansas.

Shannon Wickcliffe, Board President

ⁱ CDC, “Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults.”

https://www.cdc.gov/tobacco/basic_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html

ⁱⁱ FDA, “Statement from FDA Commission Scott Gottlieb, MD, on New Steps to Address Epidemic of Youth E-cigarette use.” September 11, 2018. < <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-new-steps-address-epidemic-youth-e-cigarette-use>>

ⁱⁱⁱ CNBC, “CDC Warns of Dangers of Nicotine Salts Used by Vaping Giant JUUL in e-cigarettes.” September 24, 2019. <https://www.cnbc.com/2019/09/24/cdc-warns-of-dangers-of-nicotine-salts-used-by-vaping-giant-juul-in-e-cigarettes.html>

^{iv} CNBC, “Hundreds of New Vaping Illness Have Been Reported in the Last Week, CDC Says.” September 24, 2019. <https://www.cnbc.com/2019/09/24/hundreds-of-new-vaping-illnesses-have-been-reported-in-the-last-week-cdc-says.html>.

^v FDA, “Warning Letter; JUUL Labs, Inc.” MARCS-CMS 590950. September 9, 2019. <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/juul-labs-inc-590950-09092019>

^{vi} Stanford University School of Medicine, “JUUL Advertising Over its First Three Years on the Market.” January 31, 2019. http://tobacco.stanford.edu/tobacco_main/publications/JUUL_Marketing_Stanford.pdf

^{vii} University of Michigan, Institute for Social Research. “National Adolescent Drug Trends in 2018.” December 17, 2018. < <http://monitoringthefuture.org/pressreleases/18drugpr.pdf>>