

December 12, 2019  
Regular Meeting  
Marion County Board of Education

Resolution Authorizing Litigation Against JUUL and other  
Manufacturers, Distributors and Sellers  
of Electronic Cigarettes and Vaping Products

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Whereas, there has been a significant increase in the number of Marion County Public School (MCPS) students who use electronic cigarettes or vaping products;

Whereas, youth vaping is at epidemic levels locally and nationally;

Whereas, the Centers for Disease Control and the U.S. Department of Health and Human Services, Office of Surgeon General has found that vaping products are unsafe for kids and teens;

Whereas, nicotine use by school-aged people likely increases the risk of nicotine addiction when they become adults;

Whereas, the marketing practices of JUUL and similar companies have targeted kids and teens;

Whereas, on September 9, 2019, the U.S. Food and Drug Administration sent JUUL a warning letter alleging improper marketing practices;

Whereas, MCPS and its employees spend a significant amount of time and resources disciplining students for possession and use of vaping products;

Whereas, MCPS and its employees spend a significant amount of time and resources providing counseling and educational services to students related to the use of vaping products;

Whereas, the use and possession of vaping products by students causes a significant interruption of the educational process;

Whereas, MCPS believes it is entitled to compensation for its efforts and resources expended to combat vaping by its students;

Whereas, MCPS believes it is entitled to compensation for the interruption of the educational process caused by vaping manufactures and distributors;

Whereas, MCPS desires to reduce the number of its students who use vaping products;

Whereas, MCPS desires to stop JUUL and similar companies from marketing vaping products to its students;

Whereas, MCPS has undertaken significant effort is to combat the rise in student vaping; and

Whereas, the Marion County Board of Education (MCBOE) has determined that MCPS has the responsibility to protect its students and take legal action against manufactures, distributors and sellers of electronic cigarettes and vaping products.

NOW, therefore, be it resolved by the MCBOE that it authorizes attorney Ronald Johnson, and his law firm, Hendy Johnson Vaughn & Emery of Louisville, Kentucky to file a civil action against any appropriate parties to compensate MCPS for damages suffered by MCPS, and its students, as a result of the manufacture, marketing, sale and use of electronic cigarettes and/or vaping products, and to seek any other appropriate relief; including injunctive relief, to protect MCPS students from vaping manufacturers and distributors. The MCBOE further authorizes the superintendent to sign all necessary contracts and other related documents on behalf of MCPS in the pursuit of any civil action.

Adopted on December 12, 2019, by the Marion County Board of Education.

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BRAD COX,  
BOARD CHAIRPERSON

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TAYLORA SCHLOSSER,  
SUPERINTENDENT