February\_\_\_ , 2020

Board Meeting

Boone 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 Boone County Schools (BCS)

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

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

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

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

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

Whereas, BCS has undertaken significant efforts to combat the rise in student vaping, including

various educational and awareness events; and

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Whereas, the Boone County Board of Education (BCBE) has determined that BCS 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 BCBE that it authorizes attorney Ronald Johnson, and his law film, Hendy Johnson Vaughn & Emery of Louisville, Kentucky to file a civil action against any appropriate parties to compensate BCS for damages suffered by BCS, 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 BCS students from vaping manufacturers and distributors. The BCBE further authorizes the superintendent to sign all necessary contracts and other related documents on behalf of BCS in the pursuit of any civil action.

Adopted on January , 2020 by the Boone County Board of Education.

Board Chair

Superintendent

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