Appendix 11

BOE Agenda Item Executive Summary
Date: September 12, 2022

Topic: Litigation against JUUL Labs, Inc., related to the manufacturing, distribution, and retail of e-cigarettes and vaping devices.

Background Information: The District has been asked to join approximately 800 other school districts currently pursuing litigation against JUUL Labs, Inc. Those school districts contend that JUUL used tactics designed to entice youth to use their products, which contain high concentrations of nicotine, an addictive substance. As a result of the use of these products, school districts have incurred additional expenses, e.g., extra supervision in restrooms, hallways and other places where students use the products; increased discipline referrals; and increased costs due to enforcement of rules and policies relating to the products. In addition, the use of vaping devices has a negative impact on student performance. Successful litigation could result in a court order that JUUL contribute to pay for the extra costs the district incurs because of use by students and the negative effects on their health, education and welfare, as well as other relief intended to curb and prevent vaping by District students. The district would not be liable for any costs related to pursuing the litigation, including attorneys' fees, and would engage counsel on a purely contingent basis.

Appendix 11

RESOLUTION NO. 2022-13
UNIFIED SCHOOL DISTRICT NO. 259, SEDGWICK COUNTY, KANSAS
September 12, 2022

Authorities on public health, including the U.S. Department of Health and Human Services and the Center for Disease Control, have identified the use of vaping and e-cigarette devices as an epidemic and public health crisis that exposes children, teens, and young adults to nicotine addiction, illness, and even death. The U.S. Food and Drug Administration warned Juul in 2019 for its marketing practices, and a study by the Stanford University School of Medicine found that Juul employed marketing strategies that were initially "patently youth-oriented" and which - until at least 2018 - preferentially-placed promotional materials in media consumed by youth. Today, vaping remains the prevalent form of nicotine consumption among USD 259 students. The use of vaping devices in the educational setting creates difficulties for educators, causes disruptions that must be addressed through the use of the District's resources, and exposes students and staff to unnecessary health risks.

ADOPTED this 12th day of September, by the Board of Education of Unified School District No. 259

BE IT RESOLVED by the Board of Education of the District as follows:

Section 1. Authority to Engage Counsel and Pursue Litigation. The District authorizes Superintendent Alicia Thompson to negotiate a representation agreement with, and, subject to agreement on terms, to engage the law firms of Baron & Budd, P.C., and its co-counsel, Panish Shea & Boyle LLP; Walkup Melodia Kelly & Schoenberger, P.C.; Wagstaff & Cartmell, LLP; Beasley Allen Crow Methvin Portis & Miles, P.C.; Goza & Honnold, LLC; and Kirton McConkie PC, to investigate and initiate litigation to recover damages that have been or will be 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 the Superintendent to sign all necessary contracts and other documents on behalf of the District.

Section 2. Effective Date. This Resolution shall take effect upon its adoption by the Board of Education.

ADOPTED this _____ day of September, 2022.

UNIFIED SCHOOL DISTRICT NO. 259, SEDGWICK COUNTY, KANSAS

By _____
Stan Reeser, Board President

ATTEST:

_____
Patrick Greene, Clerk of the Board