

**RESOLUTION AUTHORIZING LITIGATION AGAINST JUUL AND OTHER  
MANUFACTURERS, DISTRIBUTORS AND SELLERS OF ELECTRONIC  
CIGARETTES AND VAPING PRODUCTS**

**WHEREAS, there has been a significant increase in the number of Fayette County Public Schools students facing disciplinary consequences for the use of tobacco products; and**

**WHEREAS, this upward trend parallels the dramatic increase in the number of under-aged students using electronic cigarettes or vaping products; and**

**WHEREAS, experts have warned that youth vaping is at epidemic levels in our nation; and**

**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 children and teenagers; and**

**WHEREAS, nicotine use as a teen has been linked to the risk of nicotine addiction as adults; and**

**WHEREAS, we agree with health experts who believe that the marketing practices of JUUL and similar companies has targeted children and teenagers; and**

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

**WHEREAS, Fayette County Public Schools employees invest a significant amount of time and resources confiscating vape-related contraband, providing counseling and educational services, and offering cessation support to students related to the use of vaping products; and**

**WHEREAS, more serious vaping-related offenses such as trafficking or repeated infractions has led to both in- and out-of-school suspensions, which interferes with student learning; and**

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

**WHEREAS, those responsible for negatively impacting the health, welfare and education of our students should be held accountable and required to provide resources to combat vaping; and**

**WHEREAS, as leaders in education and advocates for our students, Fayette County Public Schools is compelled to take legal action against manufactures, distributors and sellers of electronic cigarettes and vaping products in order to protect the health, welfare and education of our students.**

**NOW THEREFORE BE IT PROCLAIMED, that the members of the Fayette County Board of Education hereby authorize 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 FCPS for damages suffered by the district 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 FCPS students from vaping manufacturers and distributors.**

**BE IT FURTHER RESOLVED, that the members of the Fayette County Board of Education further authorizes the superintendent to sign all necessary contracts and other related documents on behalf of FCPS in the pursuit of any civil action.**

**BE IT FURTHER RESOLVED, that this proclamation be spread on the official minutes of the Board of Education.**

**Recommendation:**

**A motion is in order to:**

**“adopt the resolution authorizing litigation against JUUL and other manufacturers, distributors and sellers of electronic cigarettes and vaping products.”**