

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

WHEREAS, the Surgeon General of the United States Public Health Service has issued an Advisory on E-Cigarette Use Among Youth which:

- emphasized “the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use;” and
- emphasized that “[t]he recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market is a cause for great concern;” and
- concluded that “*We must take action now to protect the health of our nation’s young people;*”¹ and

WHEREAS, the Surgeon General of the United States Public Health Service has further concluded that:

- “E-cigarette use among U.S. middle and high school students increased 900% during 2011-2015;” and
- “[C]urrent e-cigarette use increased 78% among high school students during the past year, from 11.7% in 2017 to 20.8% in 2018;” and
- “In 2018, more than 3.6 million youth, including 1 in 5 high school students and 1 in 20 middle school students, currently use e-cigarettes;” and
- “Nicotine exposure during adolescence can impact learning, memory, and attention;” and
- “Using nicotine in adolescence can also increase risk for future addiction to other drugs;” and
- “We must take aggressive steps to protect our children from these highly potent products that risk exposing a new generation of young people to nicotine;”² and

WHEREAS, the Surgeon General of the United States Public Health Service has specifically urged that educators “**have an important role to play in addressing this public health epidemic.**”³ and

WHEREAS, the former Commissioner of the United States Food and Drug Administration (FDA), Scott Gottlieb, has concluded that teen use of e-cigarettes “is now an addiction crisis” and an “epidemic” and has identified Juul Labs as having primary responsibility for the epidemic, further concluding that “the problem that’s been created has been created largely by their product;”⁴ and

WHEREAS, the former Commissioner of the United States Food and Drug Administration (FDA), David Kessler, has stated that the JUUL e-cigarette is “facilitating initiation” to nicotine use and addiction by teens and “the blueprint for that e-cigarette could easily have been taken straight out of the tobacco industry’s playbook;”⁵ and

WHEREAS, the Committee on Oversight and Reform of the United States House of Representatives, following review of 55,000 non-public documents of JUUL Labs, Inc, found that:

- “JUUL deployed a sophisticated program to enter schools and convey its messaging directly to teenage children;” and
- “JUUL also targeted teenagers and children, as young as eight years old, in summer camps and out-of-school programs;” and
- “JUUL recruited thousands of online ‘influencers’ to market to teens;”⁶ and

WHEREAS, a national survey of youth found that nearly 1 in 5 middle and high school students between 12 and 17 years old had seen a JUUL e-cigarette used in school;⁷ and

WHEREAS, a national survey of more than 1,500 teachers and administrators of middle and high schools across the U.S. found that 88 percent of high school staff and 77 percent of middle school staff were somewhat or very concerned about e-cigarette use by students at school;⁸ and

WHEREAS, it has been widely reported that “Juuling has become a nightmare for school administrators” throughout the United States;⁹ and

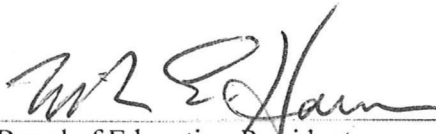
WHEREAS, Quakertown Community School District has and continues to experience significant problems with student use of JUUL e-cigarettes, which use, among other things: (i) has created a substantial and ongoing interruption of and disturbance to its educational mission; (ii) has resulted in the diversion of substantial resources in an attempt to abate and prevent such use; and (iii) poses a significant risk to the health and well-being of its students; and

WHEREAS, Quakertown Community School District is a leader in education excellence whose faculty and administrators care deeply about the education and well-being of its students and which is committed to leading, and not following;

NOW, THEREFORE, BE IT RESOLVED BY QUAKERTOWN COMMUNITY
SCHOOL DISTRICT:

That Quakertown Community School District, Bucks County, Pennsylvania authorizes the law firm of BEGLEY CARLIN & MANDIO, LLP and WAGSTAFF & CARTMELL, LLP to initiate litigation and file suit against any appropriate parties to compensate the district for damages suffered by the district and its students as a result of the manufacture, marketing, sale and use of electronic-cigarettes and vaping products, and to seek any other appropriate relief. The district hereby authorizes Superintendent Dr. William E. Harner to sign all appropriate documents and fee agreements on behalf of the district.

Adopted this 24th day of October, 2019


Board of Education President
WILLIAM E. HARNER, Ph.D.
SUPERINTENDENT

¹ U.S. DEP'T OF HEALTH AND HUMAN SERVS., OFFICE OF THE SURGEON GEN., SURGEON GENERAL'S ADVISORY ON E-CIGARETTE USE AMONG YOUTH 1 (2016) (emphasis in original), <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>.

² *Id.*

³ *Id.* (emphasis in original).

⁴ Julia Belluz, *Scott Gottliebs's last word as FDA chief: Juul drove a youth addiction crisis*, VOX (Apr. 5, 2019, 7:10 AM), <https://www.vox.com/science-and-health/2019/4/5/18287073/vaping-juul-fda-scott-gottlieb>; Statement from Scott Gottlieb, Commissioner, U.S. Food and Drug Administration, on launch of 'The Real Cost' Youth E-Cigarette Prevention Campaign amid evidence of sharply rising use among kids (Sept. 18, 2018), <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-launch-real-cost-youth-e-cigarette-prevention-campaign> ("Kids use of e-cigarettes has reached an epidemic level of growth").

⁵ David A. Kessler, Opinion, *Juul Says It Doesn't Target Kids. But Its E-Cigarettes Pull Them In.*, N.Y. TIMES (Jul. 31, 2019), <https://www.nytimes.com/2019/07/31/opinion/juul-kids.html>.

⁶ Press Release, House Oversight Committee, New Documents Show JUUL Deliberately Targeted Children to Become the Nation's Largest Seller of E-Cigarettes (Jul. 25, 2019), <https://oversight.house.gov/news/press-releases/new-documents-show-juul-deliberately-targeted-children-to-become-the-nation-s>.

⁷ *Nearly 1 in 5 youth say they have seen JUUL used in school*, THE TRUTH INITIATIVE (May 23, 2018), <https://truthinitiative.org/research-resources/emerging-tobacco-products/nearly-1-5-youth-say-they-have-seen-juul-used-school>.

⁸ *How are schools responding to JUUL and the youth e-cigarette epidemic?*, THE TRUTH INITIATIVE (Jan. 18, 2019), <https://truthinitiative.org/research-resources/emerging-tobacco-products/how-are-schools-responding-juul-and-youth-e-cigarette>.

⁹ *Why 'juuling' has become a nightmare for school administrators*, NBC NEWS (Mar. 26, 2018, 12:34 PM), <https://www.nbcnews.com/health/kids-health/why-juuling-has-become-nightmare-school-administrators-n860106>.