

Santa Rosa County School District

Presentation on Juul Lawsuit

September 2022

Given by Joel Wright, Esq.

Nicotine

1. Nicotine is not a new drug. It has been studied extensively for over 100 years.
2. According to the Surgeon General, over 90% of adults who regularly use nicotine started using it before the age of 18, and 99% start using it before the age of 25. This is because your brain is still forming until the age of 26 and creating synapses and patterns. The use of nicotine before the age of 26 can make you an addict for life.
3. Big Tobacco knows they have to “get” their customers before they turn 26 and has historically worked very hard behind the scenes to make their products as attractive as possible to minors.
4. States and cities began raising the age to buy nicotine products from 18 to 21 in 2012, and the federal government raised the age to 21 for all 50 states at the end of 2019.

Juul

1. Juul was a Silicon Valley start-up founded in 2007 by two Stanford graduates, with the intent to revolutionize and improve the smoking experience.
2. Juul created what they dubbed the “iPhone” of smoking and created a product that made it much more convenient and simple to consume large amounts of nicotine.
3. Juul was highly successful. They were the fastest company to a \$10 billion valuation in history (Facebook is second) and sold 35% of their company to Altria (or Phillip Morris) for \$12.8 billion in 2018.
4. Juul deliberately created products that appealed to children, and marketed their products to children, especially their flavored vaping products. Such efforts were successful, and Juul effectively created the youth vaping epidemic. The youth vaping rate went from virtually zero in 2010 to 22% of Florida’s high school students by 2020.

Youth Vaping Epidemic

1. On December 18, 2018, the day before Altria purchased 35% of Juul for \$12.8 billion, the Surgeon General declared youth vaping an “epidemic.”
2. Youth are vaping at much higher rates compared to adults. 22% of Florida’s high school students are vaping. Only about 4% of Florida’s adults are vaping. Juul has had limited success getting smokers to transition to vaping or getting adults to take up vaping. However, Juul has had substantial success getting minors to start vaping using their products.
3. Only 2.3% of Florida’s high school students are currently smoking cigarettes. In other words, a high school student in Florida is approximately ten times more likely to be vaping than smoking. The extensive anti-youth smoking efforts over the last 25 years have made a major difference.

How can we prevent youth vaping?

1. Education: when both students and parents are better informed about youth vaping, they can make better decisions about vaping. Many students are unaware that vaping contains nicotine, and assume it is just flavored steam. In contrast, students are well informed about smoking, and even before the youth vaping epidemic began had begun to smoke much less. Santa Rosa County Schools understands this at a very deep level and has been a pioneer in teaching students about vaping.
2. Prevention: vaping is contagious behavior, and all Santa Rosa County Schools are required to be tobacco free. Because of the nature of vaping devices, they are quite easy to conceal, and use for just a few puffs throughout the day in bathrooms, hallways and even during class. The best way to prevent vaping is through the use of vape detectors, which can promptly detect the subtle smoke from vaping, but they cost \$3,000 to \$5,000 each. And even after they detect vaping, it requires considerable staff time to identify and discipline the student who is vaping.
3. Treatment: many districts have tried suspending students for vaping and have concluded it has no long-term effect on most students. Ideally students would instead require students to get the treatment and counseling they need to stop vaping, but that requires far more resources for our school nurses and school counselors. Santa Rosa County Schools has been emphasizing education to prevent vaping through your “Escape the Vape” program. I would love to hear more about how this is working for your team and applaud you once again for your pioneering efforts in this area.

In other words, all these things can happen, but schools need the resources to make it happen.

[Now I want to speak candidly. I’ve helped sign up over 200 school districts over the last 2 years and become very familiar with the anti-vaping efforts at many of these districts. Your efforts to pro-actively instruct all students about vaping are several years ahead of most districts across the country on this issue. I’m very impressed. Thank you for these efforts. I hope our team can provide you with substantially more resources to fund these efforts, and I’m excited to see what else you can do to combat youth vaping with more resources in the future.]

Lawsuit against Juul

1. In 2019, several of the largest school districts connected with some of the best attorneys who worked on the opioid litigation and realized that Juul had clearly created the youth vaping epidemic, and that such epidemic was likely a public nuisance under the law.
2. These districts filed a lawsuit in late 2019, making the following four claims:
 - a. Public Nuisance
 - b. Racketeer Influenced and Corrupt Organizations Act (or “RICO”)
 - c. Negligence
 - d. Gross Negligence
3. The case has been remarkably successful to date. It survived a motion to dismiss in 2020, and the RICO claim was confirmed in 2021, which triples the damages and made Altria liable as well.
4. The trial of the first school district (San Francisco) is scheduled to begin on November 4, 2022, making it important to join soon before any initial settlement could potentially be finalized.
5. Over 1,400 school districts have joined nationwide, including 13 of the 15 largest districts in the USA.
6. In Florida, over 15 districts have joined, including the ten largest (Miami, Broward, Hillsborough, Orange, Palm Beach, Duval, Pinellas, Polk, Lee, and Brevard). In addition, Alachua and Hendry also recently joined, and St. Lucie, Leon, Manatee, and Sarasota are all planning on voting on joining in the next month.

Joining the Juul Lawsuit

1. Cost: It costs nothing to join the Juul Lawsuit. The case is being brought on a contingency basis, with a 25% fee. So, if there is an award or settlement, you will pay 25% of that amount for legal fees, and up to an additional 7% of that amount for hard costs. Under no circumstances will you pay anything out of pocket.
2. Time: After joining, you will need to complete a Plaintiff's Questionnaire that will require approximately 5 hours of staff time and have sixty days to do it after submitting your signed engagement letter. Nothing further is required.
3. How much could our district get in any settlement or award? We don't know. But given what is being asked for on the San Francisco case, we believe it could be a substantial amount that would allow you to obtain enough resources to fund strong and effective anti-youth vaping efforts for many years.

Questions?

More Information

These articles provide more information on the lawsuit, or the reasons for the lawsuit, from third parties and are attached to this packet.

Local Level

1. "We all know that this is a problem: Anti-vaping program coming to Santa Rosa middle schools"; February 11, 2022; Source: <https://www.pnj.com/story/news/local/santa-rosa/2022/02/11/santa-rosa-middle-schools-get-anti-vaping-program/6748013001/> (Key quote: "Leeks-Shepherd said vaping has become a common theme in discussions with students across the district. Jay schools, as an example, saw a 75% increase in vaping incidents between this year and last year.")
2. "Vaping becoming a problem in schools"; October 28, 2021; Source: <https://news.gulfbreezenews.com/articles/vaping-becoming-a-problem-in-schools/> (Key quote: "The Santa Rosa County School Board was told last Thursday that new vaping detection tools may soon be coming to the district's 35 schools.")
3. "Vape detection devices could be could be installed in Santa Rosa County middle, high schools"; October 21, 2021; Source: <https://www.pnj.com/story/news/local/santa-rosa/2021/10/21/santa-rosa-school-board-considers-vape-detection-devices-schools/6120129001/> (Key quote: "The Santa Rosa County School District board could consider installing "vape detection devices" in middle and high schools after teachers and students raised concerns that the devices are regularly being used in schools.")
4. "2020 Florida Youth Substance Abuse Survey – Santa Rosa County Report"; 2020; Source: <https://www.myflfamilies.com/service-programs/samh/prevention/fysas/2020/docs/county-reports/Santa%20Rosa.pdf> (Key quote: "Vaping has rapidly emerged, both within Florida and across the nation, as one of the most prevalent forms of adolescent substance abuse.")

5. “Physicians warning about vaping ahead of school year”; July 23, 2019;
Source: <https://weartv.com/news/local/physicians-warning-about-vaping-ahead-of-school-year> (Key quote: “Superintendent of Santa Rosa Schools, Tim Wyrosdick said vaping is a growing issue in the county. He gave Channel 3 the numbers of tobacco referrals issued in Santa Rosa County schools over the past three years.

2016-2017: 77

2017-2018: 161

2018-2019: 345

You can see the numbers more than double each year.”)

National Level

6. Excellent summary of the current status of the lawsuit. “School Districts’ Legal Battle With Juul Isn’t Over”; Education Week; September 8, 2022;
Source: <https://www.edweek.org/policy-politics/school-districts-legal-battle-with-juul-isnt-over/2022/09>
7. Opinion piece by superintendent of Los Angeles Unified School District: “My school district is suing Juul. Here’s why.” Source:
<https://www.washingtonpost.com/opinions/2020/01/13/los-angeles-schools-sue-juul/>
8. Recent op-ed from the former State Health Commissioner of Indiana encouraging school districts to consider joining the lawsuit:
https://www.heraldbulletin.com/opinion/columns/dr-richard-feldman-column-schools-should-join-lawsuit-and-fight-against-juul-and-vaping/article_10985560-d8cb-11ec-8fb3-e3964a83f12d.html

Article #1 (attached)

“We all know that this is a problem: Anti-vaping program coming to Santa Rosa middle schools”; February 11, 2022; Source:
<https://www.pnj.com/story/news/local/santa-rosa/2022/02/11/santa-rosa-middle-schools-get-anti-vaping-program/6748013001/> (Key quote: “Leeks-Shepherd said vaping has become a common theme in discussions with students across the district. Jay schools, as an example, saw a 75% increase in vaping incidents between this year and last year.”)

pensacola news journal

SANTA-ROSA

'We all know that this is a problem': Anti-vaping program coming to SR middle schools



Alex Miller

Pensacola News Journal

Published 8:01 a.m. CT Feb. 11, 2022 | Updated 9:55 a.m. CT Feb. 11, 2022

An anti-vaping campaign — which is being named "Escape the Vape" — will launch in middle schools across Santa Rosa County early this year.

Spearheaded by School Resource Officer Noel Sevilla, the campaign will feature a presentation for students about the danger of vaping. An SRO will also have posters and informational material that students can interact with during lunchtime, and a county-wide poster contest will allow sixth-grade students to promote an anti-vaping message with the opportunity to win a prize.

Some of the suggested prizes for the poster contest range from an Apple iPod to a gift card.

"I would say within the last year is when it really just (became), 'Hey, we might need to be putting something out there regarding prevention and awareness,'" Tonya Leeks-Shepherd, the Santa Rosa County District Schools public information officer and family and community engagement officer, told the News Journal.

She added that there was a noticeable uptick in parent concerns about the issue.

Vaping on rise: 'Vape detection devices' could be installed in Santa Rosa County middle, high schools

Other school board topics: Santa Rosa County loses lawsuit over school impact fees; school board reviewing options

"Really, our target audience is in our middle school area. We will educate students about the dangers of vaping prior to them being exposed to it," said Mike Thorpe, assistant

superintendent for curriculum, instruction and assessment, at a Thursday school board meeting.

Leeks-Shepherd said the program will begin rolling out in March. Initially, Sevilla will take charge on presenting the information at all of the middle schools in the county, and will work with the respective SROs at each middle school so that each officer can carry on the program themselves for future iterations.

Santa Rosa's teacher of the year: 'I found my calling': Santa Rosa Teacher of Year doesn't let cancer distract from mission

Superintendent Karen Barber agreed the program was needed, and members of the board praised the fact that the SROs are taking on the responsibility for the project as opposed to asking teachers to tack on the curriculum to the work they already have.

"We all know that this is a problem we need to deal with," said Wei Ueberschaer, chair of the school board.

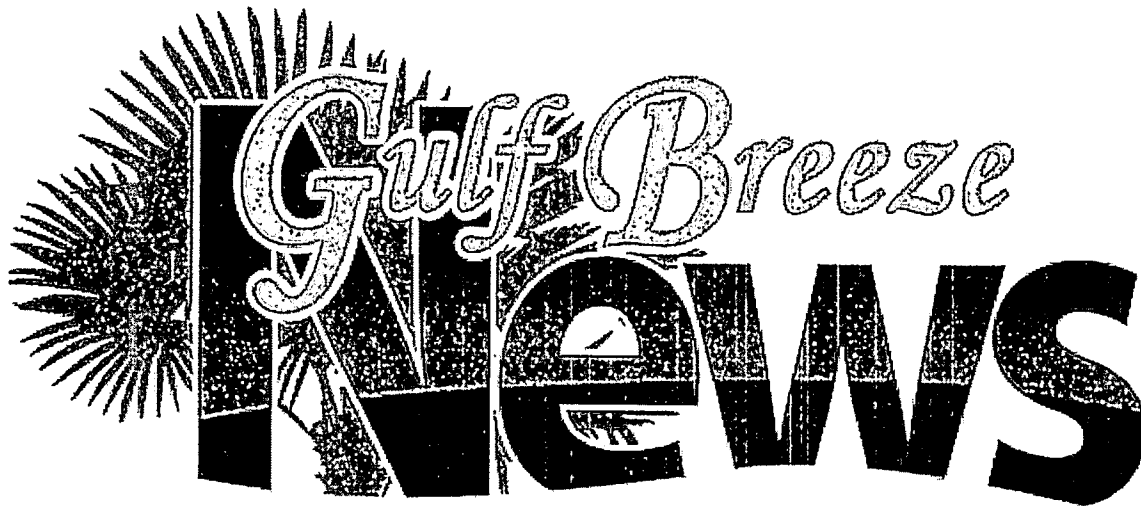
Leeks-Shepherd said vaping has become a common theme in discussions with students across the district. Jay schools, as an example, saw a 75% increase in vaping incidents between this year and last year.

"Students have passed out at school due to adverse effects of the dab pens," Thorpe said. "Students have learned how to smoke vapes or dab pens during class without teachers noticing, especially right now during the winter."

Back in October, the board discussed installing vape detection devices to deter vaping in schools, but Leeks-Shepherd said the "Escape the Vape" program is the only active anti-vaping measure the school is utilizing right now. The program is supplemental to the drug prevention conversations already used in health classes.

Article #2 (attached)

“Vaping becoming a problem in schools”; October 28, 2021; Source: <https://news.gulfbreezenews.com/articles/vaping-becoming-a-problem-in-schools/> (Key quote: “The Santa Rosa County School Board was told last Thursday that new vaping detection tools may soon be coming to the district’s 35 schools.”)



Your Community Newspaper

Vaping becoming a problem in schools

Gulf Breeze News on October 28, 2021

BY PAM BRANNON

Gulf Breeze News © 2021

news@gulfbreezenews.com

The Santa Rosa County School Board was told last Thursday that new vaping detection tools may soon be coming to the district's 35 schools. Daniel Hahn, safety director, told school board members that in his report to the state on Florida Safe Schools Assessment Tools (FSSAT) that he is required to submit each year at this time, he not only [...]

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Article #3 (attached)

“Vape detection devices could be could be installed in Santa Rosa County middle, high schools”; October 21, 2021; Source:

<https://www.pnj.com/story/news/local/santa-rosa/2021/10/21/santa-rosa-school-board-considers-vape-detection-devices-schools/6120129001/> (Key

quote: “The Santa Rosa County School District board could consider installing "vape detection devices" in middle and high schools after teachers and students raised concerns that the devices are regularly being used in schools.”)

pensacola news journal

SANTA-ROSA

'Vape detection devices' could be installed in Santa Rosa County middle, high schools



Alex Miller

Pensacola News Journal

Published 5:32 p.m. CT Oct. 21, 2021 | Updated 7:55 p.m. CT Oct. 21, 2021

The Santa Rosa County School District board could consider installing "vape detection devices" in middle and high schools after teachers and students raised concerns that the devices are regularly being used in schools.

Daniel Hahn, the school district's safety director, presented the issue to the school board Thursday as he briefed members on what safety measures he might pursue as part of Florida's Safe Schools Assessment Tool. The FSSAT is an online program that allows schools to cite potential threats and safety concerns to the state.

Hahn said he must submit a plan in conjunction with the FSSAT about the district's safety needs to the state by Nov. 1. The report is used to allocate grant money from the state, but if an issue is not included on the report, then the district cannot use state grants to pay for it.

Strategic plan: New strategic plan will guide Santa Rosa County schools for next 5 years. How to weigh in:

New K-8 school: Santa Rosa County School District breaks ground on new K-8 school

Hahn said he sits down with students and surveys them about problems in their school and when the question over vaping comes up, "I will get almost every single student emphatically saying yes," Hahn said.

Punishments for vape use in schools varies, but Hahn said it is an infraction that must be reported to SESIR, the system that monitors 26 different types of violent and behavioral offenses by students.

According to the 2021 National Youth Tobacco Survey, about 11% of high school students and 3% of middle school students in the U.S. use e-cigarettes. Earlier this year, Florida lawmakers raised the legal age to buy a vape from 18 to 21.

Hahn said there has already been an instance this school year where a high school student in Santa Rosa County had an ambulance called for them during school hours because of a reaction to a vaping device.

Hahn said students are vaping things other than nicotine as well and knows of at least five students who have been sent to disciplinary hearings for THC vapes in school. THC is a core chemical in marijuana.

District 4 School Board member Charles Elliot agreed vaping is something administrators have seen regularly in a school day.

"I'm glad you (Hahn) said that about the vaping because I visit the schools and I've seen that," Elliot said at Thursday's meeting.

Hahn stressed the importance of having parents and community members step in to stop the devices from ever reaching school property.

"The schools cannot do this alone. We need the community. We need people to not sell vaping devices to kids. We need parents to know what their kids are doing and help not have them brought to school," Hahn said. "We need a community — mostly parents — to assist in controlling this issue."

Hahn added that this is not an isolated issue to Santa Rosa and said all his peers in neighboring counties are experiencing something similar.

Article #4 (attached)

“2020 Florida Youth Substance Abuse Survey – Santa Rosa County Report”; 2020; Source: <https://www.myflfamilies.com/service-programs/samh/prevention/fysas/2020/docs/county-reports/Santa%20Rosa.pdf> (Key quote: “Vaping has rapidly emerged, both within Florida and across the nation, as one of the most prevalent forms of adolescent substance abuse.”)



2020 Florida Youth Substance Abuse Survey

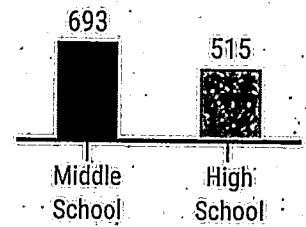
Santa Rosa County Report

Survey Background

This report presents key findings from the 2020 Florida Youth Substance Abuse Survey (FYSAS) for Santa Rosa County. Full FYSAS data tables for each county are available at the Florida Department of Children and Families (DCF) website. Detailed information on the survey's methodology is included in the FYSAS Statewide Report, which is also available at the DCF website.

The final Santa Rosa County FYSAS sample included 693 middle school students and 515 high school students, yielding a maximum margin of error of +/- 3.8 percentage points.

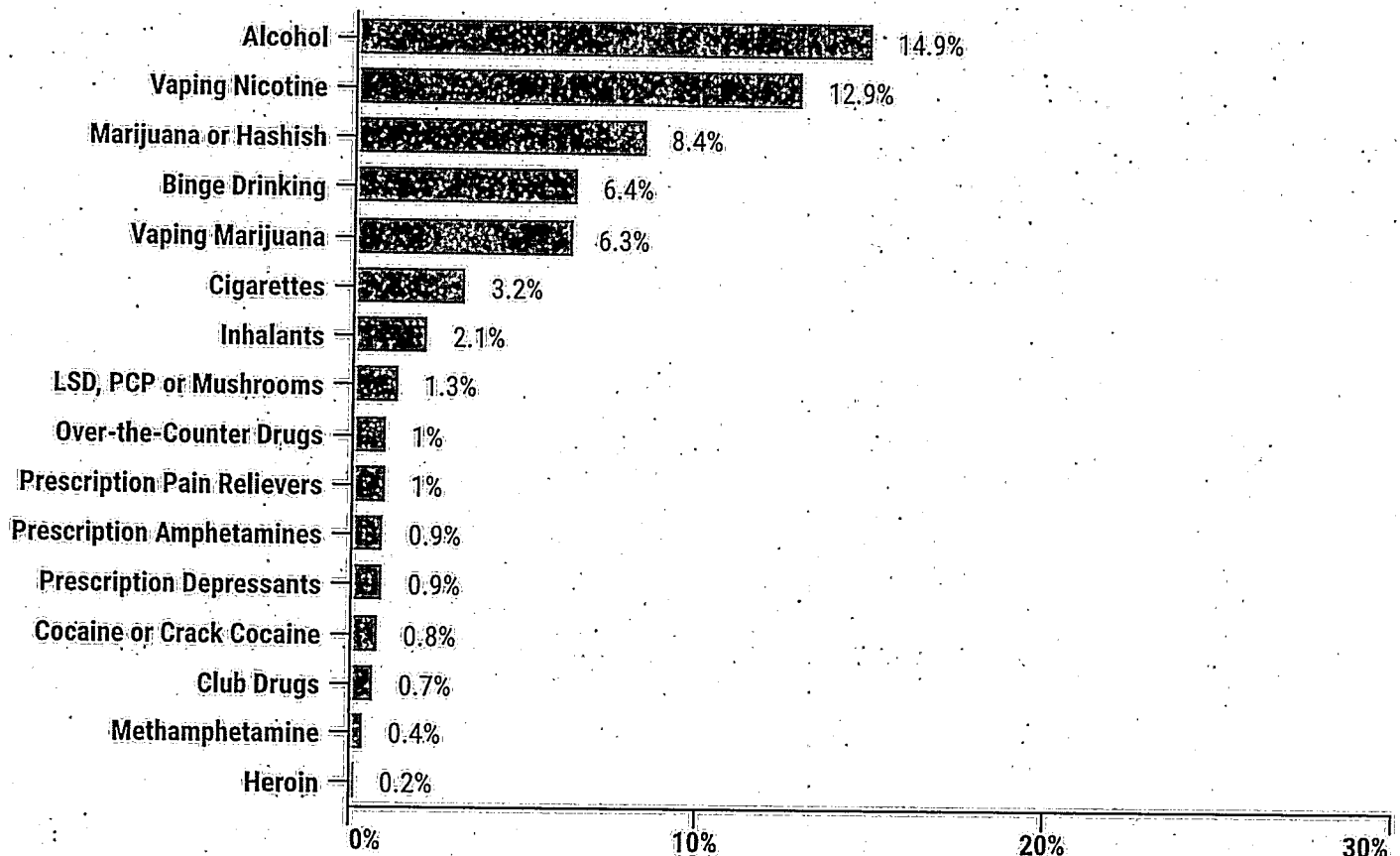
**Santa Rosa County
Sample Size**



Substance Use Among Santa Rosa County Students

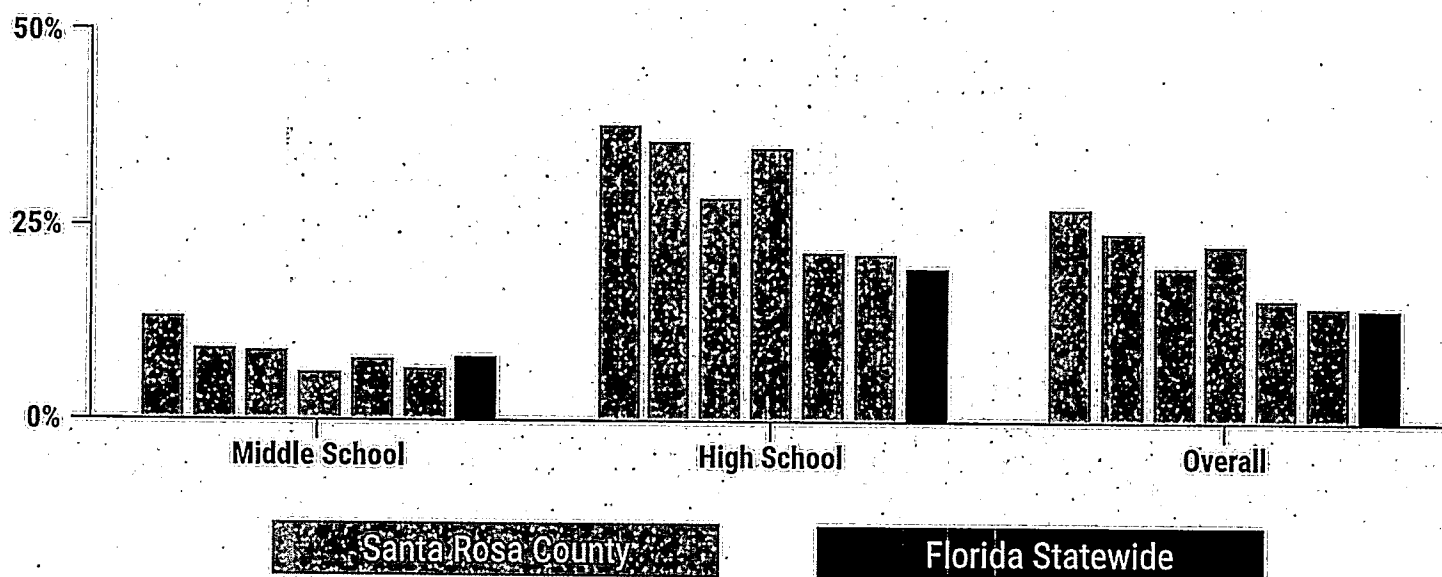
The graph below shows past-30-day substance use prevalence rates for the combined sample of middle school and high school students. Past-30-day prevalence (whether a student has used a drug on one or more occasions within the past month) is the standard indicator of current use.

Past-30-Day Use of Alcohol, Tobacco, and Other Drugs



Santa Rosa County | Alcohol Use

Past-30-Day Alcohol Use, Santa Rosa County 2010-2020 and Florida 2020

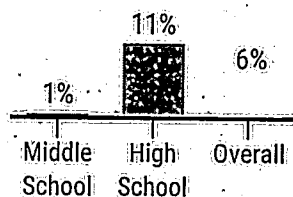


High-Risk Alcohol Use

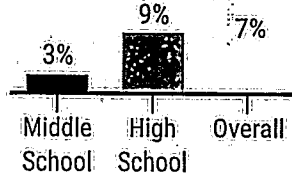
The FYSAS includes several indicators of drinking behaviors that are particularly dangerous for adolescents. These include binge drinking (five or more drinks in a row within the past two weeks), blacking out from drinking, riding with a drinking driver, and driving after drinking. Please note that the blacking out and driving measures are only included on the high school questionnaire.

Binge Drinking

Santa Rosa County

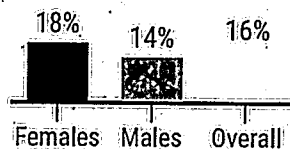


Florida Statewide

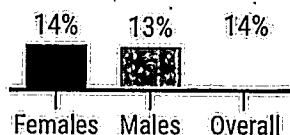


Blacking Out

Santa Rosa County

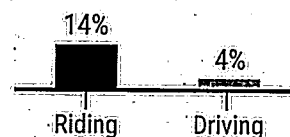


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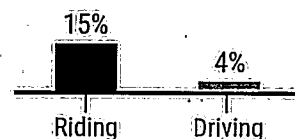


Drinking and Driving

Santa Rosa County

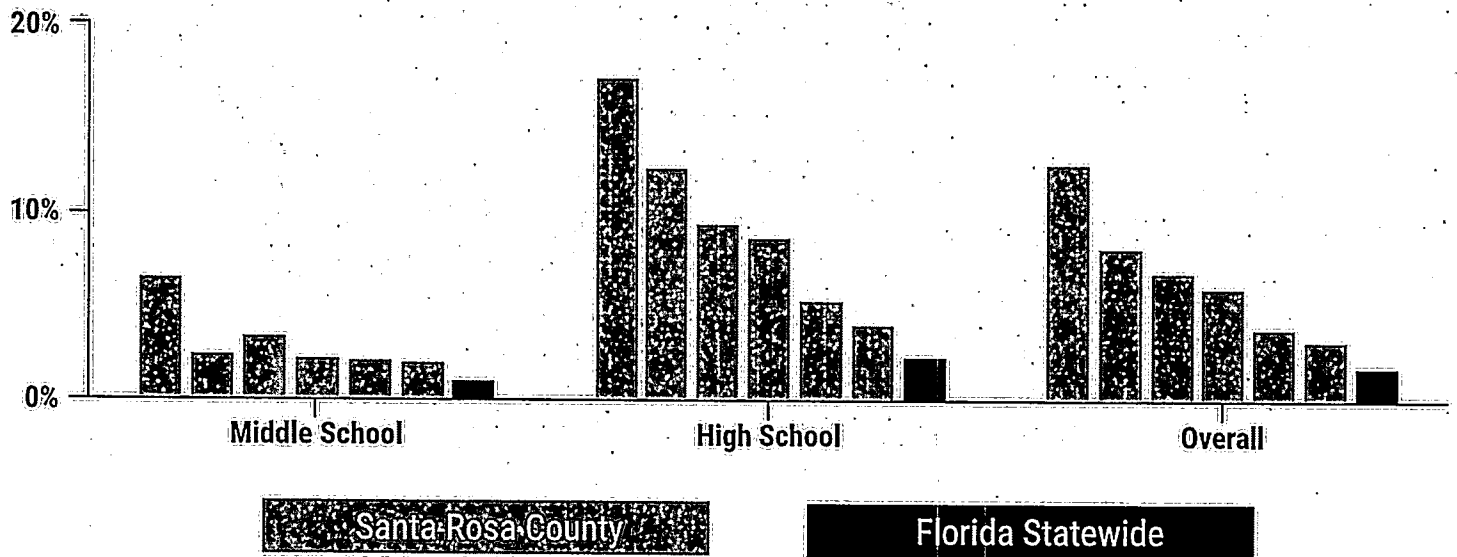


Florida Statewide



Santa Rosa County | Cigarette Use

Past-30-Day Cigarette Use, Santa Rosa County 2010-2020 and Florida 2020

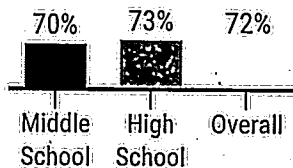


Attitudes Towards Cigarette Use

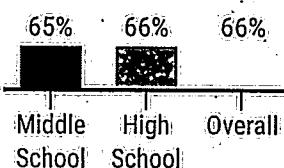
The remarkable reduction in cigarette use among Florida students is driven, in part, by the norms and values youth hold about smoking. The graph below shows the percentage of students who believe there is a "great" risk associated with daily cigarette use. Prevalence rates for personal disapproval of smoking, as well as perceptions of peer disapproval, are shown in the second and third graphs.

Great Risk of Harm

Santa Rosa County

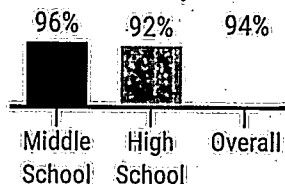


Florida Statewide

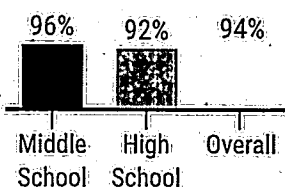


Personal Disapproval

Santa Rosa County

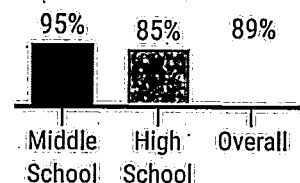


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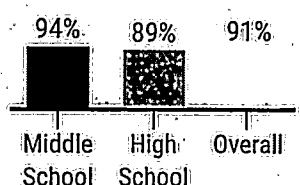


Peer Disapproval

Santa Rosa County

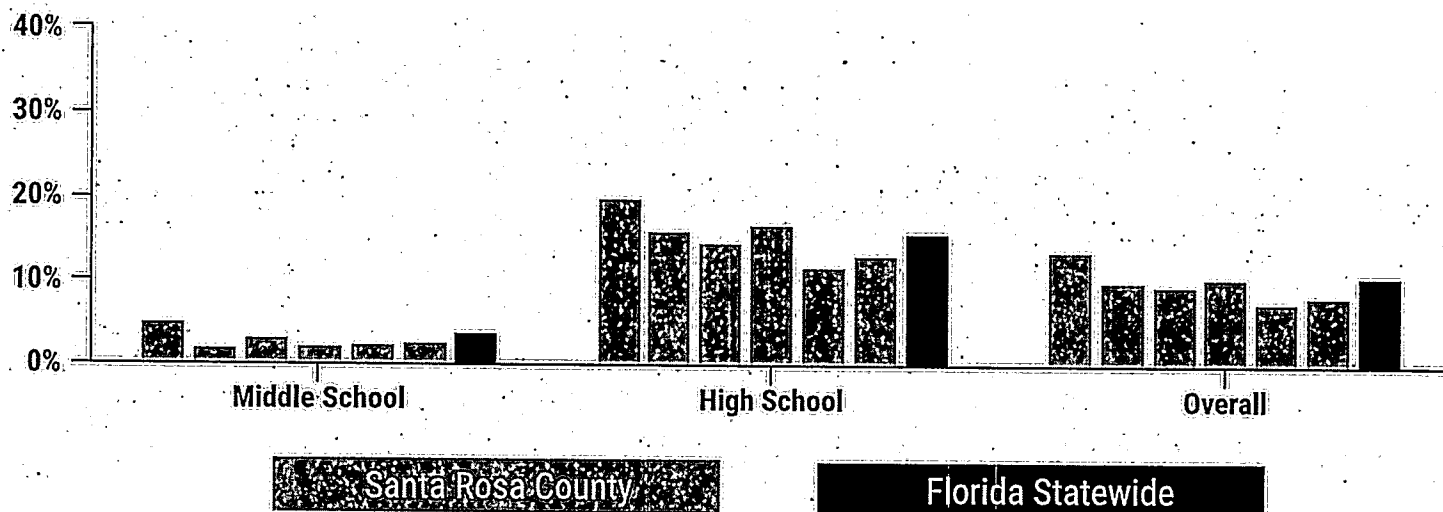


Florida Statewide



Santa Rosa County | Marijuana Use

Past-30-Day Marijuana Use, Santa Rosa County 2010-2020 and Florida 2020

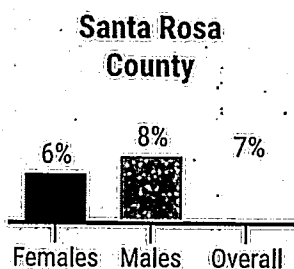


Additional Data on Marijuana Use

The first graph shows the percentage of high school students who started using marijuana at age 14 or younger. Early initiation is one of the strongest predictors of highly problematic substance use. The second graph shows the percentage of students who said that their friends think it would be “wrong” or “very wrong” to smoke marijuana. Peer disapproval is strongly associated with lower rates of substance use. The third graph shows the percentage of high school students who, in the past 30 days, rode with a marijuana-using driver or drove a vehicle after using marijuana.



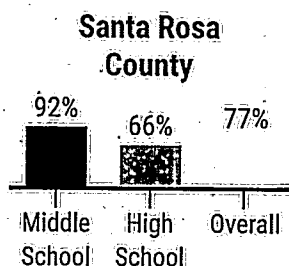
Early Initiation



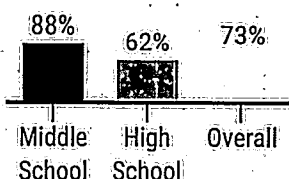
Florida Statewide



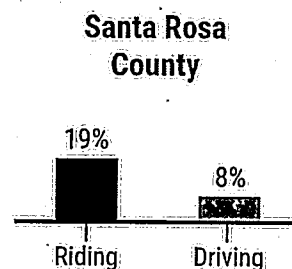
Peer Disapproval



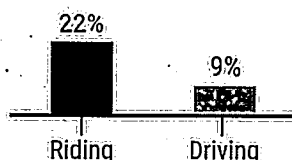
Florida Statewide



Marijuana and Driving



Florida Statewide

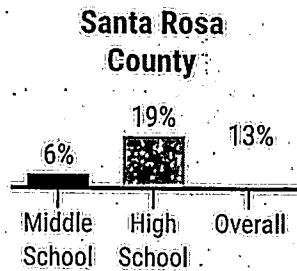


Santa Rosa County | Vaping

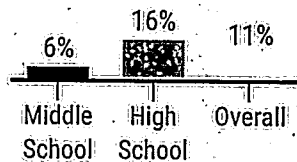
New FYSAS Vaping Data

Vaping has rapidly emerged, both within Florida and across the nation, as one of the most prevalent forms of adolescent substance use. The 2020 FYSAS includes new items that distinguish between nicotine vaping and marijuana vaping. The graphs below show the percentage of students reporting one or more occasions of vaping within the past 30 days. The third set of graphs presents results from the 2018 FYSAS, which did not distinguish between different forms of vaping.

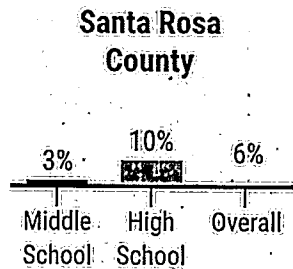
Nicotine Vaping 2020



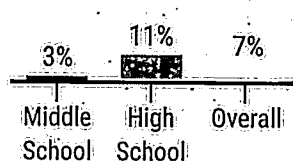
Florida Statewide



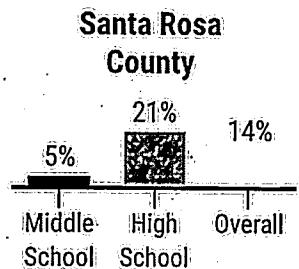
Marijuana Vaping 2020



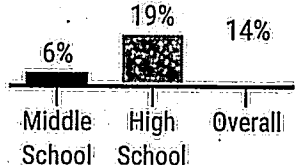
Florida Statewide



All Vaping 2018

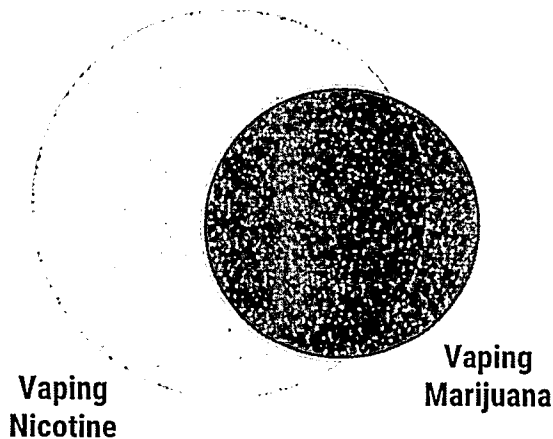


Florida Statewide



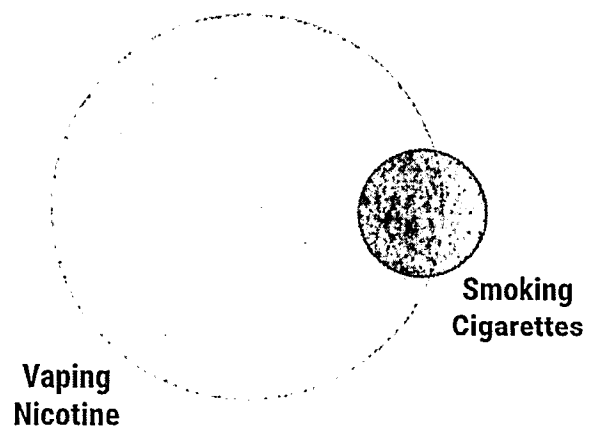
Types of Vaping

Vaping isn't just a nicotine delivery system. **43%** of Santa Rosa County students who vape nicotine also vape marijuana, and **86%** of students who vape marijuana also vape nicotine.



Vaping and Smoking

The majority of students who vape nicotine did not transition from smoking cigarettes. Their vaping is independent of cigarette use. Only **13%** of Santa Rosa County students who vape nicotine also smoke cigarettes.



Santa Rosa County | ACEs

Trauma and Youth Development

Adverse childhood experiences, commonly known as **ACEs**, are traumatic events experienced during childhood that have been linked to a broad range of negative health and behavior outcomes, including impaired cognitive development, high-risk behavior such as substance use, difficulty forming positive social relationships, high rates of chronic disease, and employment and financial difficulties.

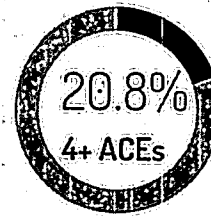


**Average ACE
Score = 2.0**

The average number of ACEs reported by Santa Rosa County high school students is **2.0**.

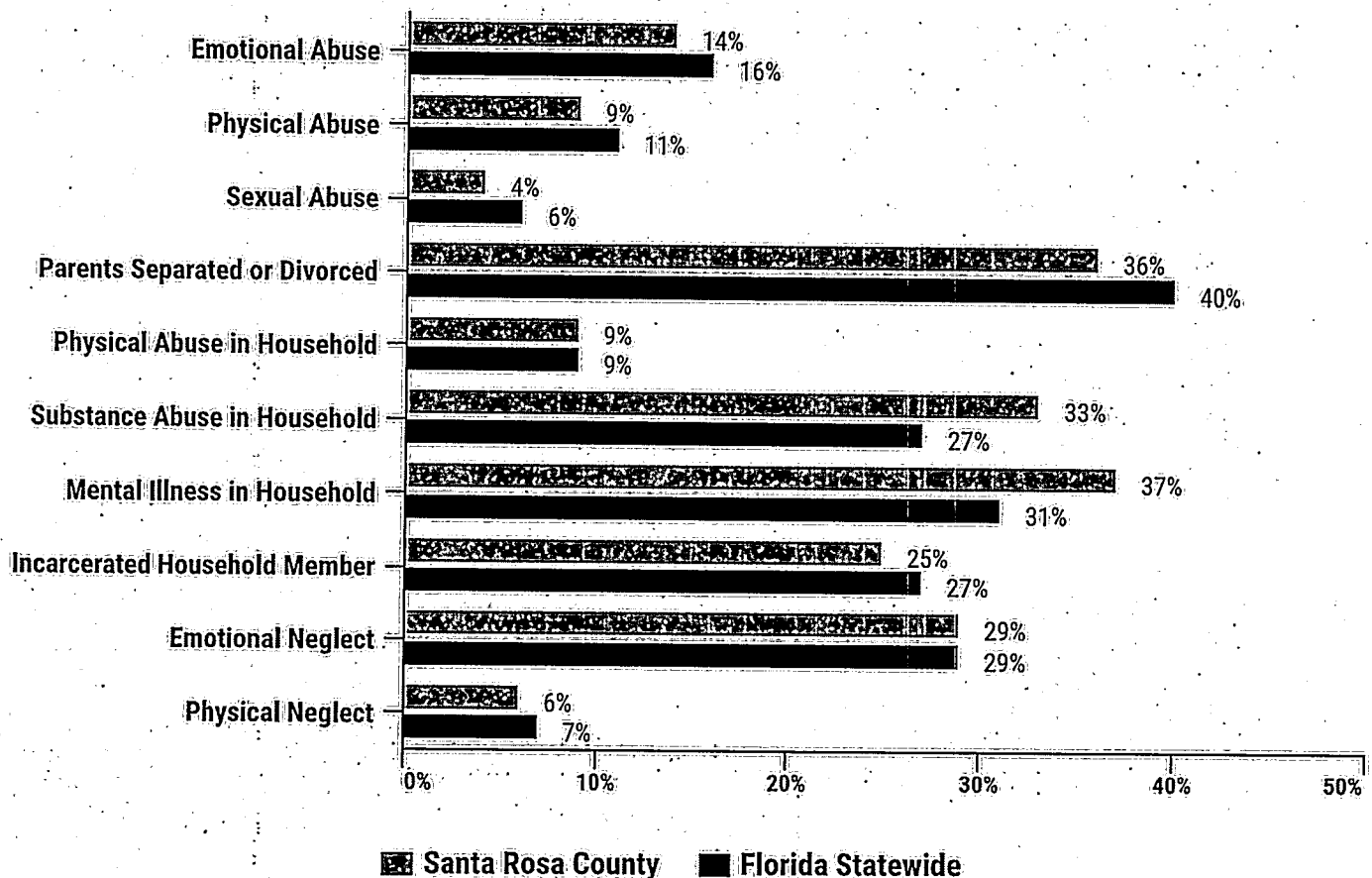
FYSAS and ACEs

While trauma-related measures are often included on student health behavior surveys, the 2020 FYSAS is one of the first large-scale youth data collection efforts to include a comprehensive set of ACE questions. The high school version of the survey measures 10 areas of childhood trauma with known links to health and behavior.



Exposure to **four or more ACEs** is considered a high level of trauma. **20.8%** of Santa Rosa County high school students have been exposed to at least four ACEs.

How prevalent is childhood trauma among Santa Rosa County and Florida youth?



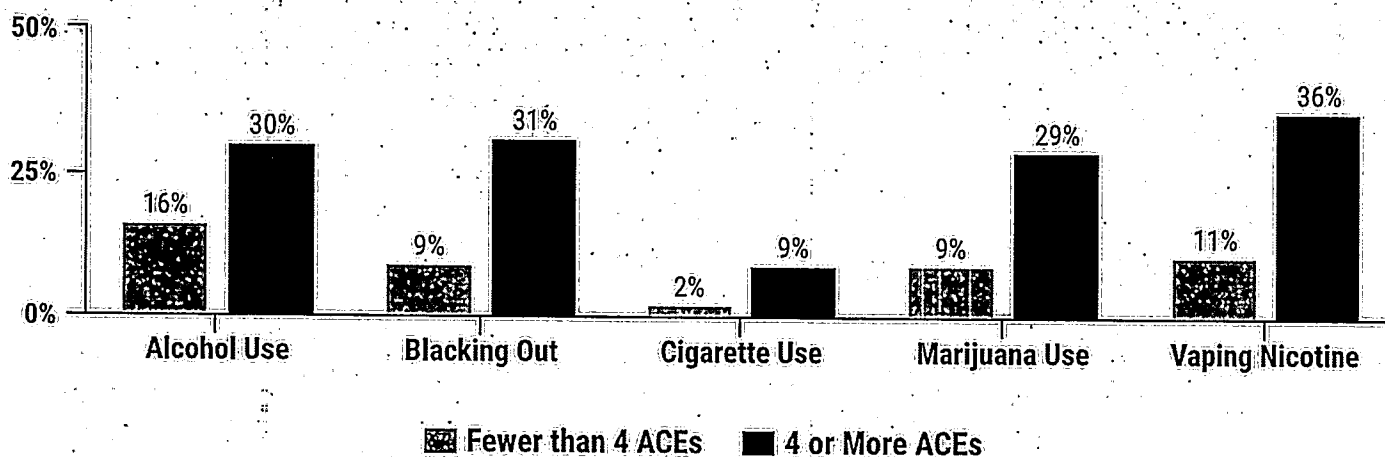
Santa Rosa County | ACEs



ACE Research

Most ACE data, which are collected from adults, show a connection between trauma experienced during childhood and negative health and behavior outcomes in adulthood. FYSAS data build upon this body of research by allowing policy makers and prevention planners to see how the negative consequences of trauma begin to take root during adolescence.

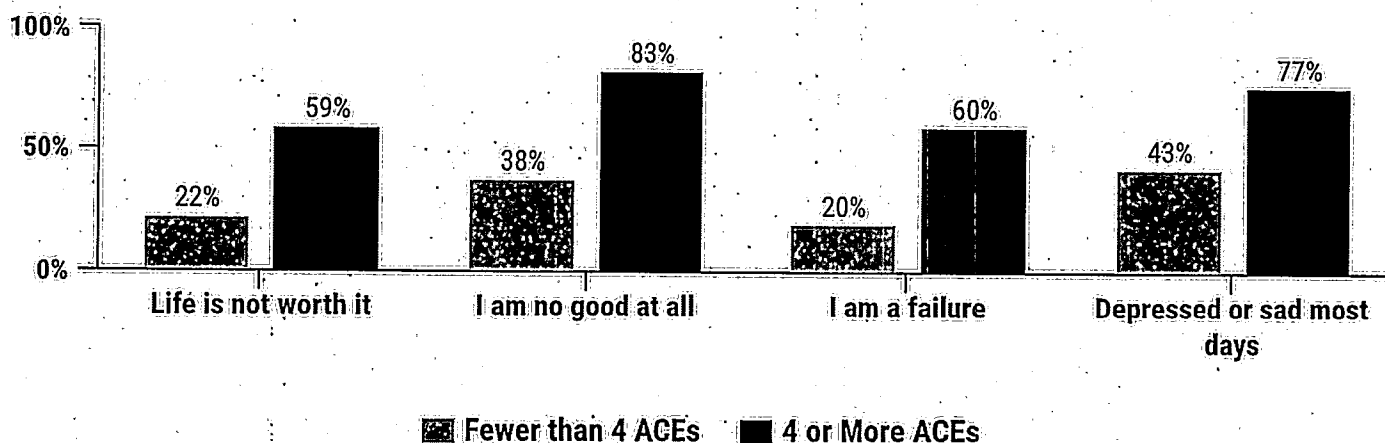
Santa Rosa County students with four or more ACEs report substance use rates that are substantially higher than students with fewer than four ACEs.



ACEs and Emotional Health

The research literature has identified a strong relationship between traumatic experiences in childhood and depression and suicidal ideation in adulthood. FYSAS data show that this connection between ACEs and emotional health is already established in adolescence.

Santa Rosa County students with four or more ACEs are about twice as likely to report symptoms of depression as students with fewer than four ACEs.



Article #5 (attached)

“Physicians warning about vaping ahead of school year”; July 23, 2019;
Source: <https://weartv.com/news/local/physicians-warning-about-vaping-ahead-of-school-year> (Key quote: “Superintendent of Santa Rosa Schools, Tim Wyrosdick said vaping is a growing issue in the county. He gave Channel 3 the numbers of tobacco referrals issued in Santa Rosa County schools over the past three years.

2016-2017: 77

2017-2018: 161

2018-2019: 345

You can see the numbers more than double each year.”)

Physicians warning about vaping ahead of school year

by Danielle Apolinar

Tuesday, July 23rd 2019

(WEAR) — According to the Food and Drug Administration, as many as 80% of middle and high school students don't think regularly smoking e-cigarettes is very harmful. Superintendent of Santa Rosa Schools, Tim Wyrosdick said vaping is a growing issue in the county.

He gave Channel 3 the numbers of tobacco referrals issued in Santa Rosa County schools over the past three years.

- 2016-2017: 77
- 2017-2018: 161
- 2018-2019: 345

You can see the numbers more than double each year.

"This is a community issue," said Safety Director Daniel Hahn.

The numbers include all tobacco usages, but Wyrosdick estimates about 80% are vaping. It's an issue Hahn said must be addressed.

"These kids are not realizing what is in this material that they are putting in their bodies," he said.

While children may not understand the dangers associated with vaping, Dr. Sarah Skelly with Santa Rosa Medical Group said they are present.

"They are putting themselves at a very high risk of lung disease at a very young age," Dr. Skelly said.

She said doctors are seeing more parents come in with concerns about their children and vaping.

"It is around and it is being offered to kids their age," she said.

Dr. Skelly said there is usually more nicotine in vapes than cigarettes, which can create a stronger addiction and problems that come with that.

"They're more likely to become dependent on other substances," said Dr. Skelly.

If a child picks up the habit, Dr. Skelly said it can also change brain development.

"Mood disorders, schizophrenia, more brain illnesses are being seen in children linked to nicotine addiction and vaping," she warned.

Hahn said make sure you know what your kids are picking up.

"They're taking these into the school somehow, so where are they keeping it while not at school?" he asked.

The school district is taking these numbers seriously and working to curb them for the approaching school year. If a student is caught vaping for the first time, they are suspended for one day and required to take an anti-tobacco course. The school resource officer is also notified and they can issue a civil citation. If the child is caught again, it can lead to five to ten days of suspension.

Channel 3 News did reach out to Okaloosa and Escambia County school districts to see just how big of a problem vaping is in their county schools, we are still waiting to get those numbers.

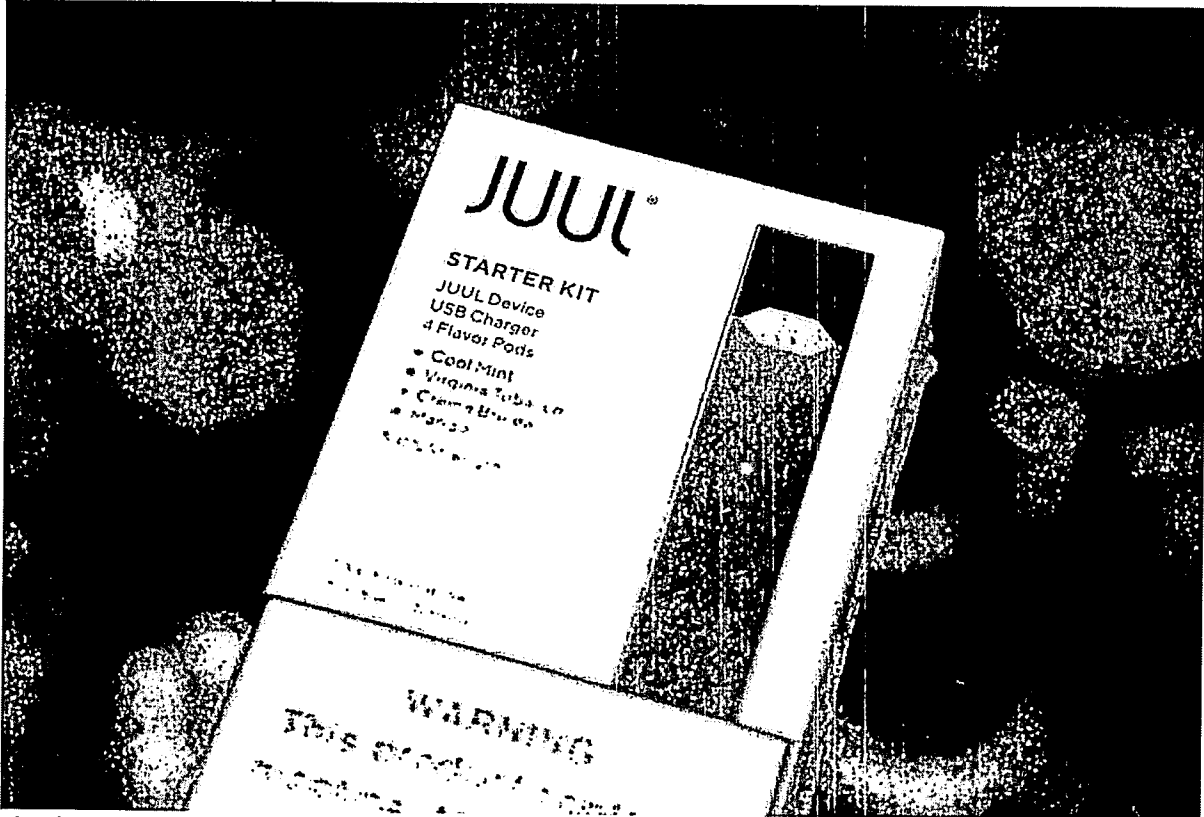
Article #6 (attached)

Excellent summary of the current status of the lawsuit. "School Districts' Legal Battle With Juul Isn't Over"; Education Week; September 8, 2022; Source: <https://www.edweek.org/policy-politics/school-districts-legal-battle-with-juul-isnt-over/2022/09>

School Districts' Legal Battle With Juul Isn't Over



By [Mark Walsh](#) — September 08, 2022 5 min read



The electronic cigarette company Juul will pay nearly \$440 million to settle an investigation by 33 states into the marketing of its products, blamed for a national surge in teen vaping.

Seth Wenig/AP

The \$438.5 million settlement announced this week between e-cigarette maker Juul Labs Inc. and more than 30 states will require changes to the company's marketing practices that allegedly target youths. But it does not resolve separate litigation brought by hundreds of school districts that contend they have been harmed by the rapid rise of student vaping.

The school district lawsuits have been consolidated in federal district court in San Francisco, and what is known as the “bellwether” case of that category—the one brought by the San Francisco Unified School District—is scheduled to go to trial in November.

A separate category of so-called multidistrict litigation claims involves personal injury suits brought by Juul users, and the trial for a Tennessee teenager who first began using the company’s e-cigarettes at age 12 is scheduled to go to trial this month.

“Settlements occur party by party, so settling with the states is not going to affect litigations brought by other entities such as school boards and cities, because the other entities are asserting different harms,” said Heidi Li Feldman, a professor at Georgetown University Law Center in Washington who is an expert on torts and product-liability litigation.

The separate lawsuits by school districts are an indication of lessons learned from the big multistate settlement with tobacco companies in the 1990s, which funneled money to state governments but left out cities, counties, and school districts.

“I think the legacy of the tobacco litigation prompted municipalities and school boards to be more on their toes to make sure that harms particular to them were addressed by resolution of any lawsuits against a business,” Feldman said.

The settlement between Juul and 33 states and Puerto Rico was announced Tuesday by Connecticut Attorney General William Tong. He said the states’ investigation revealed that the San Francisco-based company “relentlessly marketed vaping products to underage youth, manipulated their chemical composition to be palatable to inexperienced users, employed an inadequate age verification process, and misled consumers about the nicotine content and addictiveness of its products.”

As part of the settlement, Juul has agreed to refrain from youth marketing including the use of cartoons, depicting people younger than 35 in ads, hiring young social media influencers, and offering free samples.

Juul has separately reached settlements with four other states and faces additional cases brought by nine state attorneys general. The company is also appealing a June order from the federal Food and Drug Administration that Juul pull its products from the market.

But that settlement “is entirely separate from the ongoing federal Multi-District Litigation (MDL) where hundreds of lawsuits brought by school districts remain

ongoing,” Jonathan P. Kieffer, a partner with the Kansas City, Mo., law firm of Wagstaff & Cartwell, which organized many of the school district suits and represents the San Francisco district in the bellwether case, said in an email.

The firm filed a 315-page amended complaint in that case in March, adding new allegations based on evidence from a lengthy discovery process.

Juul and certain other defendants “targeted kids as their customer base,” the suit says. “JUUL products were designed to appear slick and high-tech like a cool gadget, including video-game-like features like ‘party mode.’ [Juul] offered kid-friendly flavors like mango and cool mint, ... all because defendants knew that flavors get young people hooked. Under the guise of youth smoking prevention, [Juul] sent representatives directly to schools to study teenager e-cigarette preferences.”

The complaint cites evidence that a Juul representative told 9th graders in a 2018 presentation that the company’s product was “much safer than cigarettes” and was “totally safe.”

The lawsuit details problems the rapid increase of vaping caused for schools.

“E-cigarette use has completely changed school bathrooms—now known as ‘the Juul room,’” the suit says. “As one high school student explained, ‘it’s just a cloud.’”

The suit said the San Francisco school district has had to create programs to address student e-cigarette use and divert staff resources to monitor school restrooms, among other harms.

Juul argues that the San Francisco school district suit is unsupported by the evidence. In a motion for summary judgment filed in the schools case in August, Juul said the amended complaint filed by the San Francisco district shows that the suit’s initial allegations were not supported by discovery.

“SFUSD has no fact witnesses, no documents, and no experts that can quantify any harm that SFUSD experienced due to JUUL products,” the Juul filing says. The motion says the San Francisco district is seeking a multi-hundred-million dollar award (the specific amount is blacked out in the public version of the document) to establish its own public health system.

“SFUSD ... proposes that it be awarded hundreds of millions of dollars to dictate public-health strategy for one of the most populous regions of Northern California and that JLI—only one industry player, and now not even the largest one—pay for all of it,” Juul’s motion says.

The San Francisco district will file an answer to Juul’s summary judgment motion next week, Kieffer said.

Feldman, the Georgetown law professor, said Juul’s settlement with the states does not necessarily strengthen the hand of the school district plaintiffs in their separate suits against the e-cigarette maker.

“When defendants settle, part of what they are doing is trying to limit the amount of money they pay out from the same underlying actions,” she said.

But the settlement with states may also be an indication that Juul would be willing to reach some kind of settlement with plaintiffs in the consolidated cases in the multidistrict litigation, she added.

“That’s a business decision” for the company, she said.

END



Mark Walsh

FOLLOW

Contributing Writer, Education Week

Mark Walsh covers education law and the U.S. Supreme Court for Education Week.

Source: <https://www.edweek.org/policy-politics/school-districts-legal-battle-with-juul-isnt-over/2022/09>

Article #7 (attached)

Opinion piece by superintendent of Los Angeles Unified School District:

“My school district is suing Juul. Here’s why.” Source:

<https://www.washingtonpost.com/opinions/2020/01/13/los-angeles-schools-sue-juul/>

Opinion My school district is suing Juul. Here's why.

By Austin Beutner

January 13, 2020

Austin Beutner is the superintendent of the Los Angeles Unified School District.

The Los Angeles Unified School District filed a lawsuit last October against Juul Labs Inc., the nation's largest manufacturer of electronic cigarette devices. We took this step to hold Juul accountable for its role in creating an epidemic that affects the health of our students — disrupting their learning and taking time and money away from our core mission of educating students.

Since we filed suit, several other school districts in California have joined us in this class action, as we're acting in the absence of leadership on this at the state and federal levels.

Students are becoming addicted to nicotine and other harmful substances and suffering serious health problems, losing days, weeks and months of school. The loss of instructional time also means a loss of state funding, which is based on student attendance. Fewer dollars means fewer teachers, nurses, counselors and librarians in our schools, and we are diverting funding away from classroom instruction and spending it instead on counseling and on programs to inform students of the dangers of vaping.

Vaping incidents are on the rise in our high schools, our middle schools and, sadly, in our elementary schools. How do we know this? Because our educators are reporting these incidents every day. We also have many students who see the problem for what it is and are telling us how it is affecting their schools.

Students tell us that they have seen their peers in serious need of help due to nicotine addiction. They have seen their peers missing school as a direct result of vaping, either through illness or expulsion. They have seen their previously upbeat friends become sullen and angry, withdrawing from sports, clubs and other activities they previously loved.

The vaping epidemic has reversed one of the great modern public-health success stories, with teen smoking rates plummeting from 28 percent in 2000 to about 8 percent in 2017. Since then, the use of e-cigarettes has soared among students. In Los Angeles County, 30 percent of high school students report trying e-cigarettes and 10 percent say they are regular users.

In response to our lawsuit, Juul has consistently said it does not intend to attract underage users to its products, adding in [a recent statement](#) that it is working on “earning the trust of society” by combating underage use. But that doesn’t negate that previous marketing campaigns from the company, as the Food and Drug Administration [has laid out](#), have enticed vulnerable students, relying on youth-focused advertising and social media to promote nicotine-laced vaping devices that resembled computer flash drives and can be concealed in a pocket, a hoodie or even the strap of a backpack. Nor does it negate the fact that many students are now addicted to their products. The company now controls more than [70 percent](#) of the market. It so dominates the market that the practice of vaping is now often referred to as “juuling.”

Taxpayers should not have to pay the cost of fighting the vaping epidemic in our schools. By marketing and selling these products to young people, Juul has sought to make money at the expense of public education and the communities we serve.

The state of California and the Trump administration need to do more. A [partial ban](#) on flavored tobacco products is not enough. We need to stop the sale of all flavored tobacco products, which are clearly targeted at children. Anything less diminishes the health and safety of our students. There also needs to be better enforcement to hold stores and Internet sellers accountable. State and local agencies must develop effective plans to halt the illegal sale of vaping products to underage users.

In addition to a ban on flavored tobacco products, tighter regulation of nicotine content would make a difference. It is noteworthy that European countries [restrict nicotine levels](#) in vaping liquids, making them significantly less potent than those sold in the United States.

Los Angeles Unified is taking steps to ensure those responsible will pay the price to repair the harm done to our students, our schools and the communities we serve. Others need to join us in this fight, and quickly. Each day, students are being harmed as a result of the epidemic of vaping products in schools. We have work to do, and the kids are counting on us.

Read more:

[Scott Gottlieb: The FDA got it partially right on e-cigs. Here’s what else needs to be done.](#)

[The Post’s View: Trump backpedals on vaping. Sad!](#)

[David Von Drehle: This vape craze should never have been allowed to happen](#)

[Gabe Albornoz and Adam Zimmerman: Montgomery County should act now to prevent youths from vaping](#)

Article #8 (attached)

Recent op-ed from the former State Health Commissioner of Indiana encouraging school districts to consider joining the lawsuit:

https://www.heraldbulletin.com/opinion/columns/dr-richard-feldman-column-schools-should-join-lawsuit-and-fight-against-juul-and-vaping/article_10985560-d8cb-11ec-8fb3-e3964a83f12d.html

OPINION: More schools should join Juul Lawsuit

May 19, 2022

By: Dr. Richard Feldman

Juul Labs, the maker of the leading vaping device, Juul, is doing quite well. So well that the big tobacco company, Altria, bought a 35% interest, of \$12.8 billion, in Juul, which has 75% of the e-cigarette market.

The tobacco industry understands that vaping is the future of nicotine addiction. On the backdrop of huge reductions in youth cigarette use, vaping is skyrocketing among young people. Recent studies report regular vaping among high school students ranging from 21 to 43%.

Juul is largely responsible for creating this situation. Their device is attractive to youth – small, streamlined, looks like a USB drive, and easy to hide, especially at school. Juul launched a massive youth-targeted social media campaign using the strategies developed by the tobacco industry including attractive models, celebrities, and other influencers, projecting the image of Juul as trendy and stylish. Juul presented social media launch parties and giveaways and made every effort to normalize vaping among young people.

The partnership between Juul, with its vaping scientific expertise and Altria, with its tobacco-marketing playbook, has been hugely successful. Juul utilizes new extremely addictive nicotine salts and sweet flavorings and organic acids to decrease harshness. The company deliberately and methodically deployed a multifaceted plan to addict a generation of adolescents to nicotine. According to the U.S. House of Representatives Committee on Oversight and Reform, Juul entered schools, camps, and out-of-school events through surreptitious programming to promote Juul use. Juul is a bad actor and has also been under increasing scrutiny from the Federal Food and Drug Administration for marketing to minors.

Now school districts across the country, facing massive student e-cigarette use, are demanding accountability for Juul's misdeeds by filing suit mostly under the Public Nuisance Law that has been successfully used against opioid pharmaceutical companies. The law holds that manufacturers can be held responsible for harms to society created by their products and marketing practices. Mass tort litigation has been established through a federal multiple-district litigation (MDL) established in a San Francisco federal court and through the Judicial Counsel on Coordinated Proceedings in state court in Los Angeles.

Over 857 school districts in 41 states have filed suit for past and future financial losses and other damages caused by Juul's youth-marketing practices. Damages are for a myriad of measures necessary for schools to employ to combat vaping and to address resulting problems caused by vaping. These include costs for installing vape detectors at a cost of tens-of-thousands of dollars, surveillance of bathrooms and stairways, test kits for determining contents of confiscated vape devices, vape educational assemblies and other prevention initiatives, student counseling, intervention for disruptive behavioral issues, tutoring for suspended students, addressing student health problems, and disruption of educational plans. Suits will also include punitive damages for wrongful conduct and injunctive relief for Juul-funded prevention and treatment programs for nicotine addiction.

Only about 73 of the over 300 Indiana school districts have joined the MDL. Why haven't school districts like Perry, Pike, Lawrence and Warren townships in Indianapolis, Fishers, Noblesville, Lafayette and West Lafayette, Terre Haute, Gary, Hobart, Hammond, and Munster joined in? The submission process is simple and on a no-cost contingency basis. With budgetary challenges, this could be a much-needed infusion of funds for school districts.

Oh, by the way, the Indiana General Assembly just lowered the taxation on closed vaping devices like Juul. Perfect.

Dr. Richard Feldman is an Indianapolis family physician and the former state health commissioner. Send comments to letters@dailyjournal.net.

Source: <https://dailyjournal.net/2022/05/19/opinion-more-schools-should-join-juul-lawsuit/>