

VAPE – OUT

PROTECTING OUR YOUTH AND EDUCATORS

*“...it’s part of the game, a game where they make lots of money and teens become addicted.” ~ Hannah Walker
(American Heart Association – You Are The Cure Article 2019)*



The Vaping Epidemic

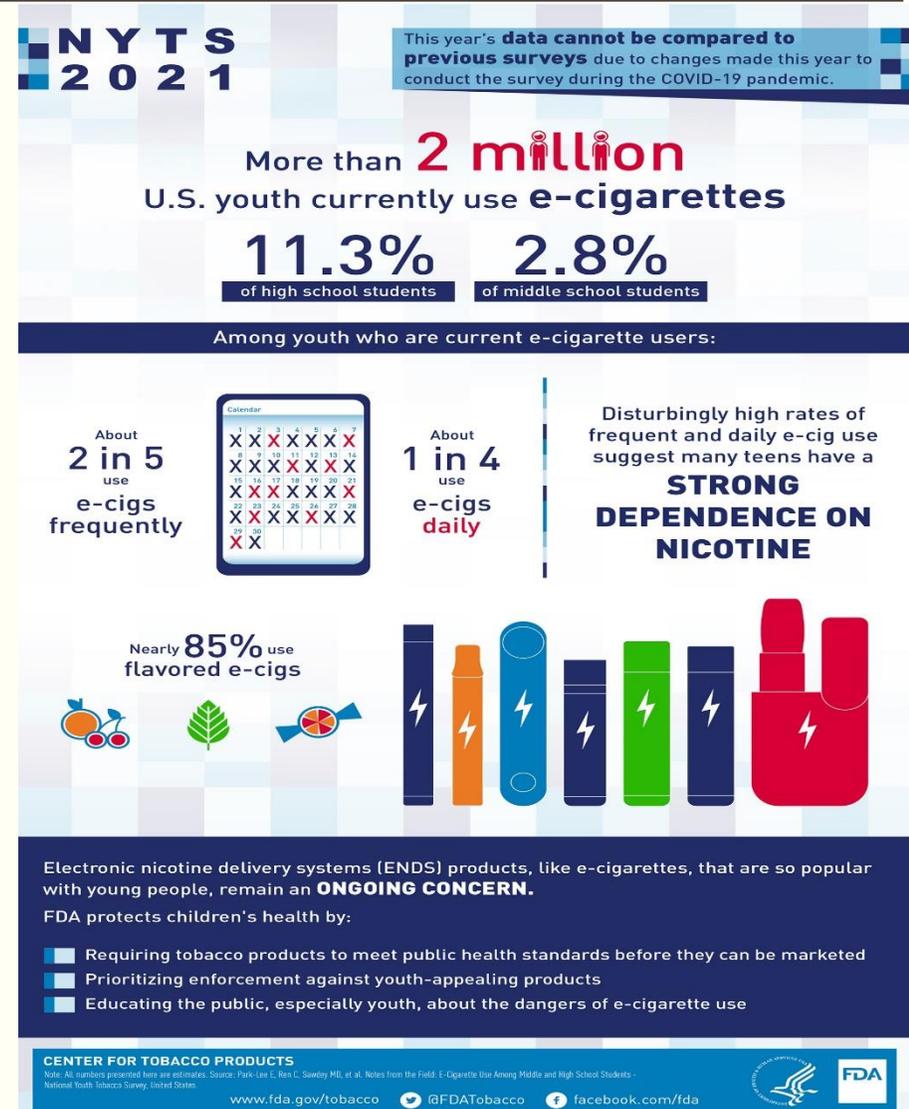
- Rising Popularity and Trends
- Devious Designs
- Administrative Challenges
- Current States We Can Emulate

Following the Data

According to the USDA

- Nearly 2.6 million kids currently use e-cigarettes
- 25% of youth use them daily
- Majority are using flavored e-cigs
 - Creates dependence on nicotine

“The new Minnesota data also shows about four in five Minnesota students (78.4%) reported that the first tobacco product they ever tried was flavored.”



Dangerous Trends

The Minnesota Dept. of Health Reported

- 1 in 5 high school students use e-cigs
- 70% of high school & middle school users report signs of nicotine dependence
- Notes:
 - Nicotine disrupts brain development
 - Leads to addiction
 - Disrupts attention and learning
 - Can lead to increased depression and anxiety
 - ❖ Medical treatment facilities are at capacity or inoperable (The Sun and Brook) due to staffing problems
 - Under age users will be met with Plausible Deniability from the manufacturers

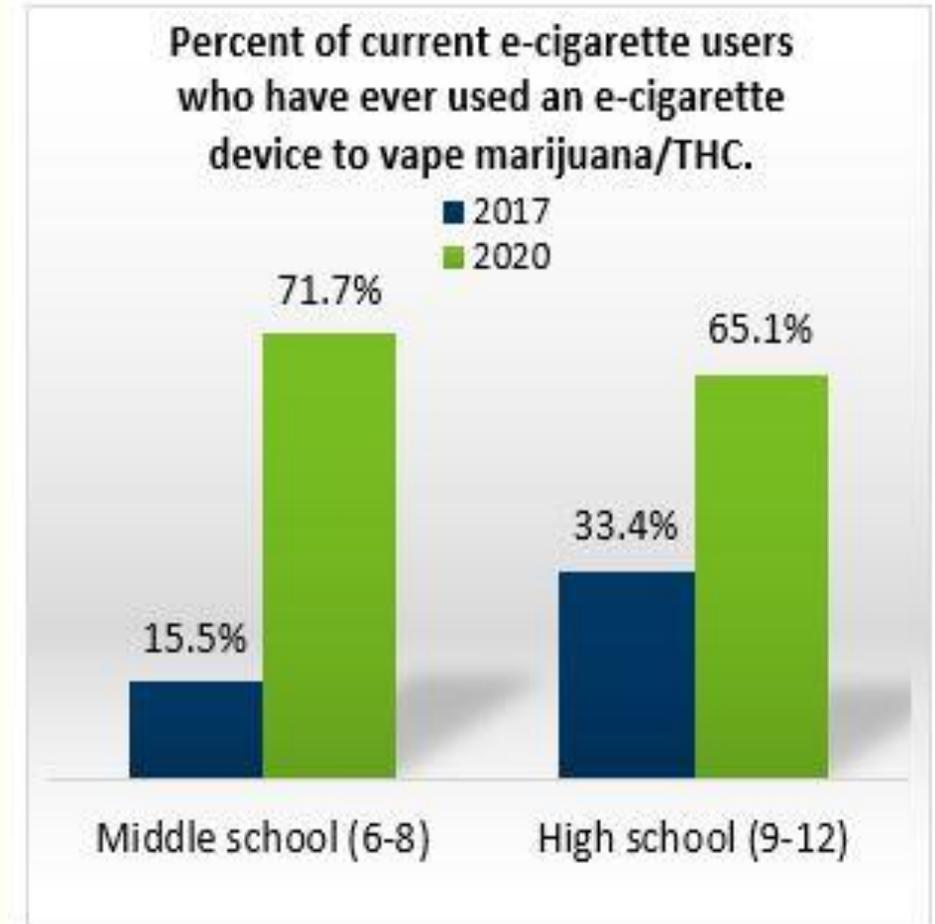
It's Not Just Nicotine

Rising Trends

- The MN Dept. of Health reported that in just 3 years high school students using vapes containing marijuana nearly doubled
- Middle school students using vapes containing marijuana (THC) nearly quadrupled in the same three years

IT DOESN'T STOP AT THC!

Minnesota Dept. of Health Report



It's Not Just Nicotine Cont.

Vape Pens Have Been Found to Contain

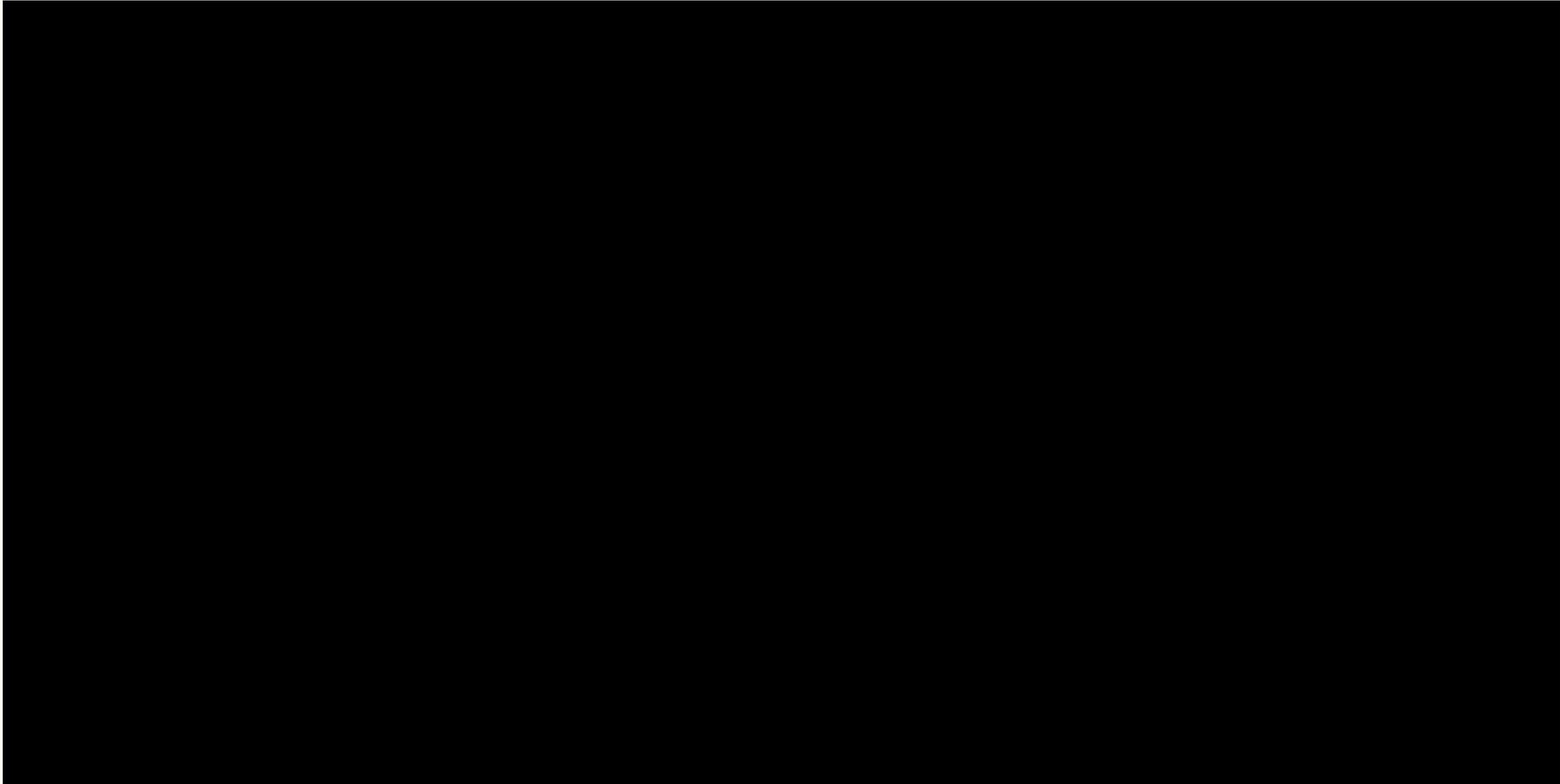
- Marijuana / THC
- Heroin
- Fentanyl
- Carfentanil (100 times more potent than fentanyl)
- CBD (cannabidiol)

"It's Russian roulette" ~ James Neal-Kababick,
director of Flora Research Laboratories



Devious Designs

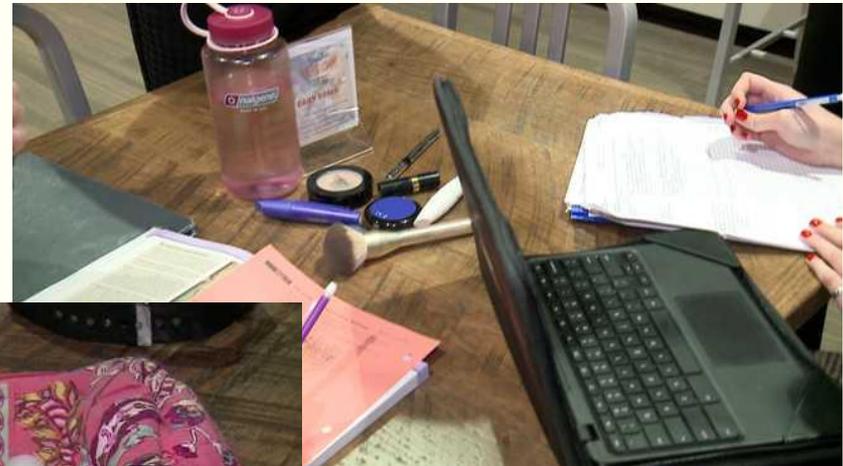
It Takes A Trained Eye



[Click Here](#)

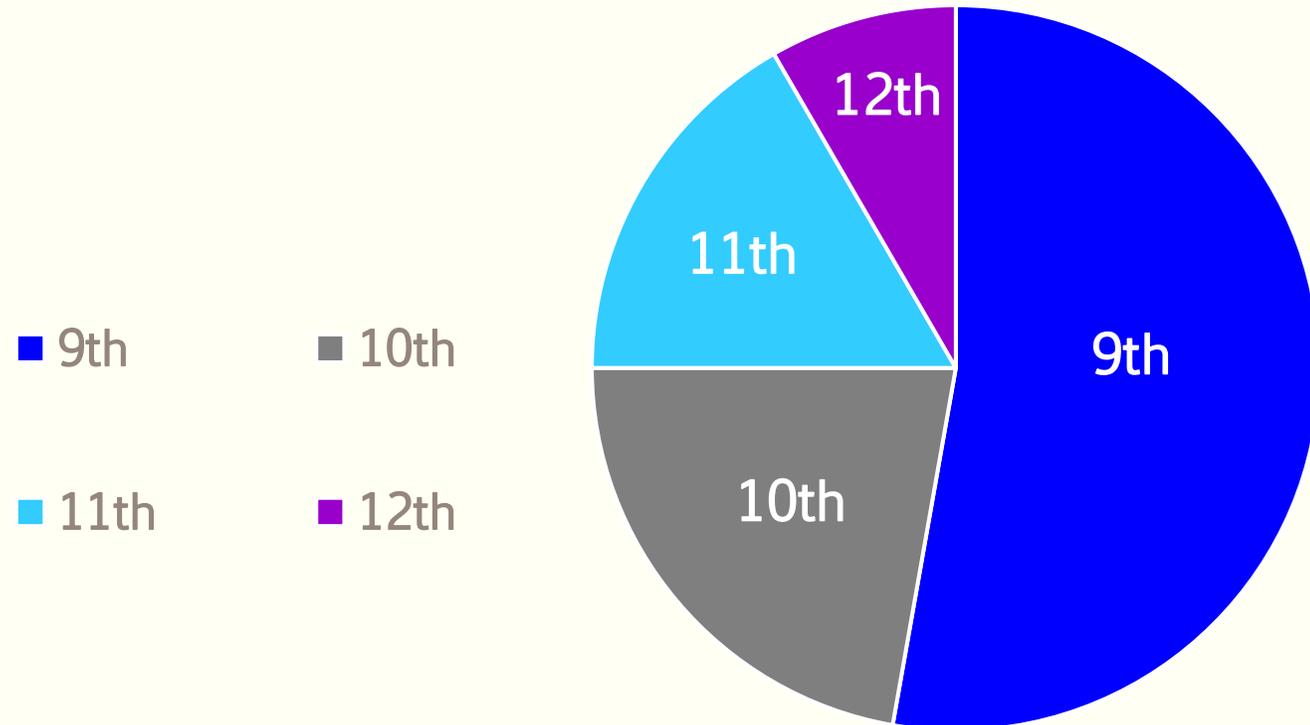
Devious Designs

Vapes are literally being hid in plain sight!



Watchful Eyes

2021 – 2022 Vape Referrals by Grade



Kentucky's Anti-Vape Law

HB 11 (Passed 2019)

Ky. Rev. Stat. Ann. §§ 438.345; 438.050 (2022)

- Section (4) A person in violation of subsection (2) of this section, or policies adopted by a local board of education pursuant to subsection (3) of this section, shall be subject to penalties as set forth by the local board of education.
 - Leaves punishment up to the schools
 - Gives the impression the state wants to be hands-off and allows for plausible deniability
- Omits ban for staff / faculty
- City of Dayton, KY has harsher fines for adult vaping violations than what is in place to protect our youth



Kentucky Laws

HB 215 (Passed 2022)

- Raised Minimum Time Served from 50% to 85%
- Loopholes
 - Fentanyl laced vaping products are not addressed in the bill
 - Statutes require that offenses before an 18th birthday must be held in juvenile court
 - Therefore the law only impacts adult staff



School's Administrative Challenges

- Training faculty on positive identification of vape devices
- Disseminating staff to ensure adequate campus supervision
- Protecting staff and students from exposure to illicit drugs (i.e. Fentanyl & Carfentanil)
- Training staff how to respond to vape induced medical emergencies
- Investment of time processing disciplinary infractions
- Educating students on dangers of vaping

States To Emulate

“Most schools have folded e-cigarettes into their anti-tobacco policies, which typically punish students with detention, a letter home and sometimes a tobacco education class.” AP News Article

Uniform Punishments

- Florida
 - Charges students civilly w/ max fine of \$25k
 - Community Service
 - Anti-vaping program
- Nebraska
 - Class V misdemeanors



States To Emulate

“The United States is facing an epidemic as electronic cigarettes (vapes) have become very popular” ~ Michigan District Health Dept. #10

The Legal Consequences of Vaping in Michigan:

- Selling Tobacco & Vaping Devices to Minors
 - 1st Offense - \$100 Fine
 - 2nd Offense - \$500 Fine
 - 3rd Offense - \$2500 Fine

- Minors attempting to purchase or use vape device
 - \$50 Fine
 - Education on health risk
 - Community Service

States To Emulate

“Schools in Texas are also taking vaping seriously often suspending and expelling students for possessing vape pens and drug paraphernalia on-campus” ~ The Maddox Law Firm

Understanding the Law in Texas:

- E-cigarette or vapor products are prohibited at school and before or after-school programs
 - Punishable by a fine of up to \$100

- If traces of THC are inside the vape pen
 - Juvenile Drug Charges
 - Class C Misdemeanor
 - Fines of up to \$500
 - Probation
 - Rehabilitation

States To Emulate

States that grouped vape devices with drug paraphernalia

- North Carolina
- New Jersey
- Washington
- Connecticut



Class Action Lawsuit

Beasley Allen Law Firm (Litigation Leader Against JUUL)

- Aimed to hold JUUL accountable for the youth vaping epidemic
- Represents 10 States and 82 School Districts

13 Kentucky School Districts:

- Boone County School District
- Daviess County Public Schools
- Fayette County Public Schools
- Hopkins County School District, By and Through the Hopkins County Board of Education
- Jefferson County Public Schools
- Jessamine County Schools
- LaRue County Public Schools
- Madison County Public Schools
- Marion County Public Schools
- Montgomery County Public Schools
- The Bullitt County School District
- Warren County Public Schools
- Wolfe County School District, By and Through the Wolfe County Board of Education

The Way Forward

Taking the lead and setting the precedent for combating the epidemic

- Uniform Policy on dealing with vapes and drug-laced vape products
 1. Give school districts a stronger backing for implementing harsher punishments
 2. Allocate funding for anti-vaping / education
 - ❖ Toughen up the fight on addiction / Focus on bringing down addiction rates
 - ❖ Fight back against manufacturing of devious devices

The Challenge

