







**AN OVERVIEW OF THE JUUL LITIGATION
SETTLEMENTS: HOLDING THE E-CIGARETTE GIANT
ACCOUNTABLE FOR TARGETING YOUTH**

THE PUBLIC HEALTH LAW CENTER



LEGAL TECHNICAL ASSISTANCE

-  Legal Research & Litigation Support
-  Policy Development, Implementation, Defense
-  Publications
-  Trainings
-  Direct Representation
-  Lobby

EQUALITY:

Everyone gets the same – regardless if it's needed or right for them.



EQUITY:

Everyone gets what they need – understanding the barriers, circumstances, and conditions.



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based on work for First Nations Health Authority at Gathering Wisdom VI

Drawing
CHANGE

Image credit: [Sam Bradd](#)



“E-CIGARETTE USE IS AN EPIDEMIC AMONG TEENAGERS” FDA SAYS SEPTEMBER 2018



FEDERAL REGULATORY ACTION AGAINST JUUL



- **September 2019:** FDA issues warning letter for unauthorized safety claims.
- **October 2019:** FDA seizes 1,000+ company documents related to youth targeting
- **February 2020:** FDA issues letter demanding removal of mango, fruit, crème, and cucumber flavored products; Juul complies.
- **July 2020:** Juul agrees to remove from market its “modified risk tobacco products”

LEGAL ALLEGATIONS AGAINST JUUL



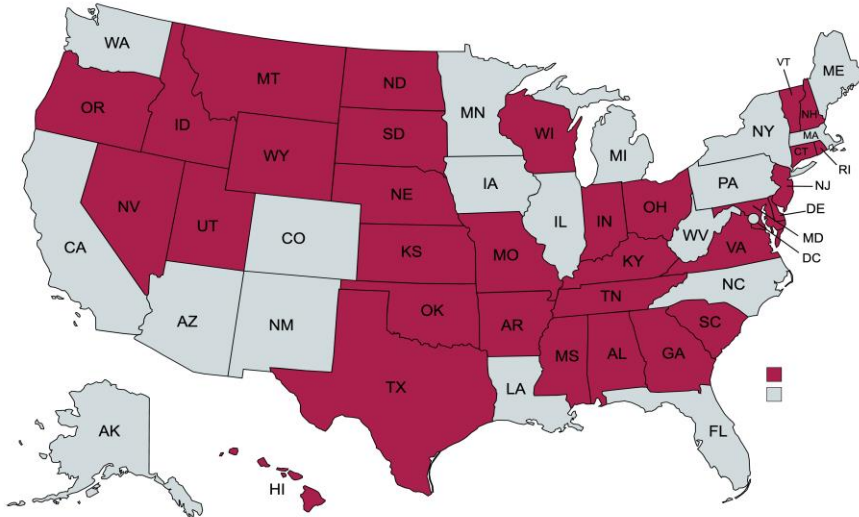
- **Marketing to Minors**
- **Deceptive Trade Practices**
- **Failure to Warn**

STATE AG SETTLEMENTS

THE 33-MULTISTATE SETTLEMENTS- SEPT. 2022

Attorney General Settlements

\$438.5 million settlement



- Announced in September 2022; Finalized in December 2022
- Resolves marketing and deceptive sales practices
- Monetary & Non-monetary Relief

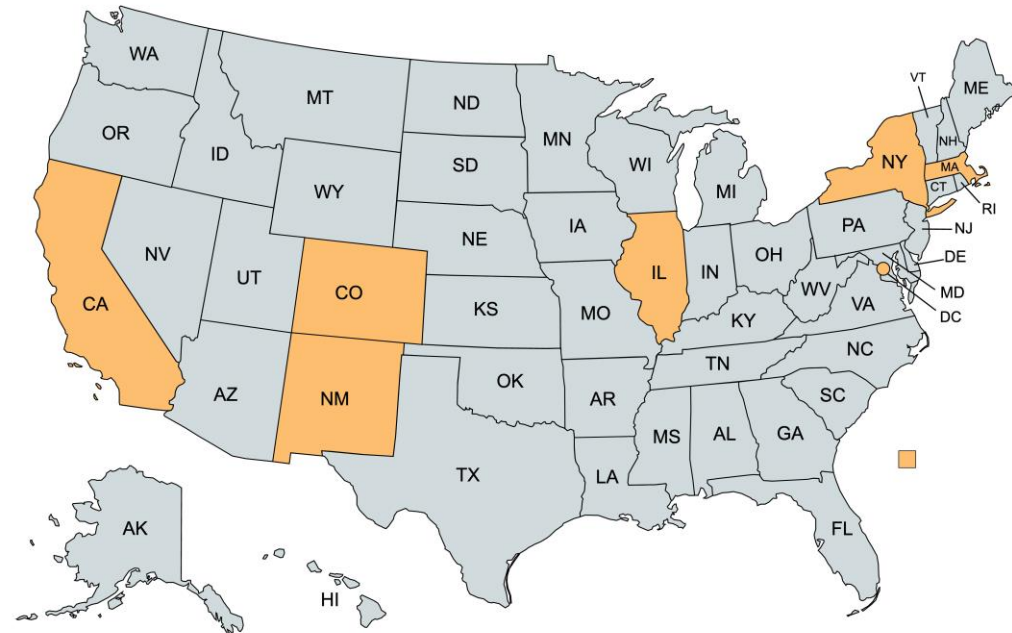
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STATE AG SETTLEMENTS

THE 7-MULTISTATE SETTLEMENTS - APRIL 11, 2023

\$462 Million Settlement

- California - \$175.8 million
- Colorado - \$31.7 million
- District of Columbia -\$15.2 million
- Illinois - \$67.6 million
- Massachusetts - \$41 million
- **New Mexico - \$17.1 million**
- New York - \$112.7 million



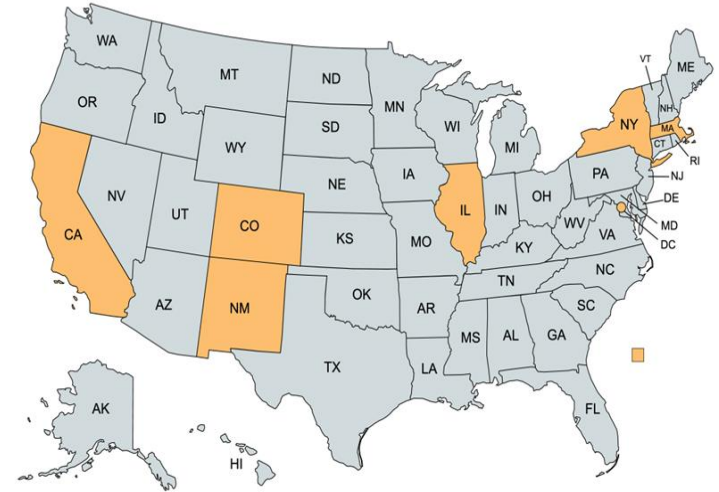
STATE AG SETTLEMENTS

THE 7-MULTISTATE SETTLEMENTS- APRIL 2023

INCLUDES NEW MEXICO

Non-Monetary Provisions

- Refrain from marketing directly or indirectly to youth
- Limit number of retail and online purchases per individual
- Retail compliance checks
- Treat synthetic nicotine as nicotine
- No samples
- Product placement prohibited in virtual reality systems
- Submit documents into depository



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STATE AG SETTLEMENTS

THE 7-MULTISTATE SETTLEMENTS- APRIL 2023

INCLUDES NEW MEXICO

The Document Depository Provisions

- Make publicly available evidence produced in litigation
- Exceptions (privileged communications; trade secrets; etc.)
- Settling states may object to withheld documents
- Must be accessible and free to the public in perpetuity



JUUL LITIGATION SETTLEMENT GUIDE & INTERACTIVE MAP

[Juul Litigation Settlement Guide & Interactive Map | Juul Litigation](#)

[Settlement Guide & Interactive Map \(publichealthlawcenter.org\)](#)



PUBLIC HEALTH
LAW CENTER
at Mitchell Hamline School of Law

JUUL SETTLEMENT US MAP - NEW MEXICO

Juul Settlement Actions in New Mexico

- [State of New Mexico v. Juul Labs, Inc. et al.](#)
- Settlement: 7 Multistate AG Settlement
- Total amount of money allocated-\$17,082,607.04
- How Allocated:
 - The money will be sent to the law firm that represented the state-Carney Bates & Pulliam. They are receiving 14.634% (\$2.5 million) of the funds as attorneys' fees. (Sett. Agr. ¶51.)
 - The remaining funds will be sent to the state of New Mexico, where it can be used for anything consistent with the Attorney General's (AG) authority "including but is not limited to" the following:
 - Programs that provide cessation assistance to New Mexico residents who were exposed to ENDS while when under the age of 21;
 - Education or prevention programs designed to prevent or reduce use of ENDS by New Mexico residents who are under the age of 21.

STATE OF NEW MEXICO v. JUUL LABS, INC.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO, *ex rel.*
RAÚL TORREZ, Attorney General,

Plaintiff,

v.

JUUL LABS, INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
ALTRIA GROUP DISTRIBUTION
COMPANY, ALTRIA ENTERPRISES
LLC, JAMES MONSEES, ADAM
BOWEN, NICHOLAS PRITZKER,
HOYOUNG HUH and RIAZ VALANI

Defendants.

Case No. D-101-CV-2020-01033

CONSENT JUDGMENT

Plaintiff, the State of New Mexico, (the "State" or "New Mexico") *ex rel.* Raúl Torrez, New Mexico Attorney General (the "N MAG"), commenced a lawsuit against Defendant JUUL Labs, Inc. ("JLI") and its executives James Monsees, Adam Bowen, Nicholas Pritzker, Hoyoung Huh, and Riaz Valani, regarding potential violations of the New Mexico Unfair Practices Act, NMSA 1978, §§ 57-12-1 to -26, and the New Mexico False Advertising Act, NMSA 1978, §§ 57-15-1 to -10.¹ (the above styled action is referred to herein as the "Lawsuit",

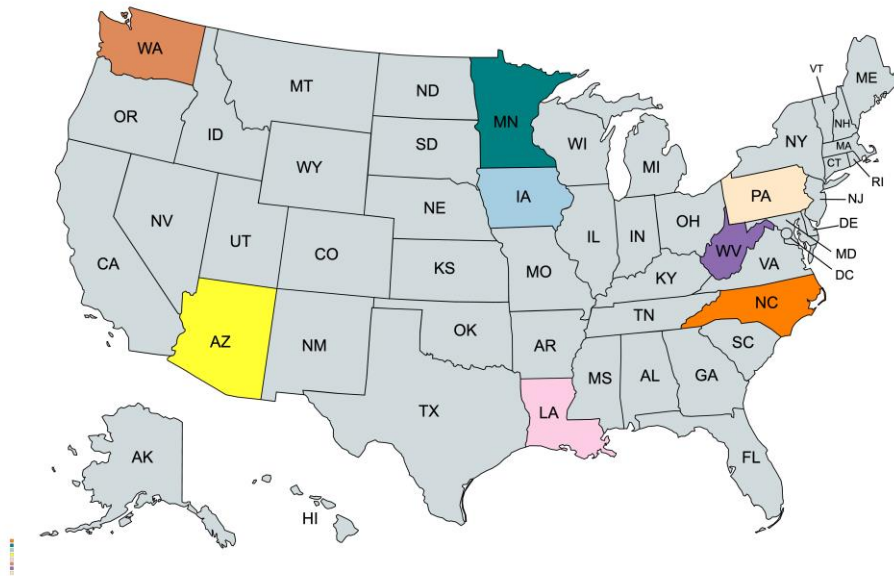
\$17,082,607 Allocated to NM

- Funds used for anything consistent with AG's authority
- Cessation Assistance Programs
- Education/Prevention Programs
- Research in support of preventing use
- Programs to less impact on schools
- Other consumer education and enforcement efforts.

STATE AG SETTLEMENTS

THE INDIVIDUAL STATE SETTLEMENTS

Individual State Settlements 2021-2023



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Monetary Amounts

- Arizona - \$14.5 million
- Iowa - \$5 million
- Louisiana - \$10 million
- **Minnesota - \$60.5 million**
- North Carolina - \$40 million
- Pennsylvania – \$ 38.8 million
- Washington - \$22.5 million
- West Virginia - \$7.9 million

NON-SETTLING STATES

WHO'S LEFT?

Photo credit: Wikimedia



Remaining States

- Alaska
- Florida
- Maine
- Michigan

THE MULTIDISTRICT LITIGATION (MDL) SETTLEMENTS

DECEMBER 2022



THE MULTIDISTRICT LITIGATION (MDL) SETTLEMENTS

IN RE: JUUL LABS, INC., MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION



- **Personal Injury**
- **Consumer/Purchaser Class Action**
- **Government Entities**
 - **School Districts**
 - **Cities**
 - **Counties**
- **Native American Tribal Entities**

MDL SCHOOL DISTRICT SETTLEMENTS

School Districts in NM

- Alamogordo Public Schools
- Logan Municipal Schools
- Pojoaque Valley School District
- Ramah Navajo School Board, Inc.
- Silver Consolidated Schools



HOW TO SPEND JUUL MDL SETTLEMENT FUNDS

CHAMPION OUR CHILDREN, TARGET COMMERCIAL TOBACCO



Addressing the youth vaping crisis requires a multifaceted approach that combines education, prevention, and treatment. Allocating litigation settlement and other funds strategically is one way to address the problem. Here are some suggestions on how Juul settlement funds and other funds could be allocated and strategically used to help address this problem:

- 1. Education and Prevention Programs:** Develop and implement comprehensive education campaigns for teenagers, parents, and educators. These campaigns should raise awareness about the risks and consequences of vaping, debunk myths about their harmlessness, and promote healthy alternatives. Programs can include presentations, workshops, and peer-led activities to discourage vaping and provide support for those struggling with addiction. Engaging social media platforms, schools, and community organizations can be effective in reaching the desired audience.
- 2. Treatment and Cessation Programs:** Provide evidence-based cessation programs that are both culturally tailored and appropriate for youth. Support existing initiatives that provide counseling, support groups, and nicotine replacement therapies to help youth quit vaping.
- 3. Supportive School Disciplinary Practices:** Support alternatives to punitive, exclusionary penalties like suspension from school and school activities. Such exclusionary approaches contribute to negative educational and life outcomes and undermine school goals for supporting healthy student development. Many schools currently lack the staff and training to effectively implement alternatives to exclusionary penalties, so a good use of newly acquired funds would be to implement training on safe and healthy alternatives to suspension.
- 4. Regulation:** Implement evidence-based policies to restrict access to vaping products for teenagers. This includes enforcing age verification

[How to Spend Juul Settlement Funds: Champion Our Children, Target Commercial Tobacco | Public Health Law Center](#)

HOW ARE THE JUUL SETTLEMENTS IMPORTANT TO PUBLIC HEALTH?



HOW ARE THE JUUL SETTLEMENTS IMPORTANT TO PUBLIC HEALTH?

THE GOOD PARTS

- Brought to light the youth vaping epidemic
- Restrict marketing, sales practices
- Sets precedent for other e-cigarette companies
- Directs much needed resources to cessation, prevention programs and research



HOW ARE THE JUUL SETTLEMENTS IMPORTANT TO PUBLIC HEALTH?



THE LESS GOOD PARTS

- Self-policing provisions regarding compliance
- Restrictions on health-based claims duplicate federal law
- Payouts pale in comparison to payouts by tobacco industry and are limited in time.

STATUS OF JUUL'S PRODUCTS IN THE MARKET?



FDA (IN)ACTION

- June 2022, FDA issues Marketing Denial Order
- July 2022, FDA administratively suspends order, pending further review
- July 2023, Juul submits new application for JUUL2 product
- Still awaiting FDA decision on Juul product authorization

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QUESTIONS? COMMENTS?

