

August 5, 2019

VIA ELECTRONIC MAIL AND COURIER

Barbara Carr
Ballot Simplification Committee
Department of Elections
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102

Re: "Vapor Products" Initiative

Dear Mrs. Carr:

I am counsel for JUUL Labs, Inc., in connection with the "Vapor Products" Initiative. Please find attached an affidavit from Ashley Gould, Chief Administrative Officer of JUUL Labs, Inc., relating to the Committee's consideration of the Digest for the "Vapor Products" initiative. Because this Digest is being considered *tomorrow morning*, we respectfully ask that you please circulate copies of this declaration to all members of the committee as soon as possible. Thank you so much for your consideration.

Sincerely,


Joseph Tartakovsky

Attachment

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IN THE BALLOT SIMPLIFICATION COMMITTEE
FOR THE CITY & COUNTY OF SAN FRANCISCO

IN RE BALLOT DIGEST FOR
INITIATIVE ENTITLED "VAPOR
PRODUCTS" AT THE NOVEMBER 2019
ELECTION

**DECLARATION OF ASHLEY
GOULD, CHIEF
ADMINISTRATIVE OFFICER OF
JUUL LABS, INC., REGARDING
THE "VAPOR PRODUCTS"
INITIATIVE'S INTENDED LACK
OF EFFECT ON THE "FLAVOR
BAN"**

**DATE: August 6, 2019
TIME: 9:00 a.m.**

I, ASHLEY GOULD, declare under penalty of perjury as follows:

1. I am over 18 years of age. I make this declaration of my personal knowledge. I am the Chief Administrative Officer of JUUL Labs, Inc., which is the sponsor of the Coalition for Reasonable Vaping Regulation, the committee primarily formed to support the "Act to Prevent Youth Use of Vapor Products" initiative, tentatively entitled the "Vapor Products" initiative in this proceeding (the "Initiative"). JUUL Labs was directly involved in the drafting of the Initiative.

2. There have been a number of public statements recently made by opponents of the Initiative to the effect that, if adopted, the measure would repeal the prohibition on the sale and distribution of flavored tobacco products, adopted by the voters as Proposition E in

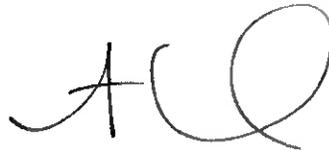
1 June 2018 and extended by the Board of Supervisors earlier this year (the “flavor ban”). The
2 Initiative was never intended to have that effect, and it does not do so. It was always intended
3 that the flavor ban, including its extension, would remain in effect. These flavor ban
4 provisions are consistent with the Initiative, which was consciously designed to build on and
5 incorporate existing regulation of vapor products and tobacco products more generally.

6 3. What the Initiative was meant to supersede—what is irreconcilable with the
7 Initiative—was the complete prohibition on the sale of vapor products that was included in
8 Sections 19R.2 and 19S.2, subdivision (b), of the Health Code, adopted by the Board of
9 Supervisors in late June. Regulation cannot be reconciled with a categorical prohibition on
10 the sale of all vapor products in the City.

11 4. If the Initiative passes, retailers will remain subject to the flavor ban—they will
12 simply be required to also comply with the Initiative’s more stringent regulations on the sale
13 of vapor products. In this context, the Initiative’s declaration of “comprehensive” regulation
14 can only be understood as a clear alternative to the complete ban on the sale of vapor
15 products, and does not repeal the flavor ban, implicitly or otherwise.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct of my personal knowledge, and, if called as a witness, I could
18 testify competently thereto, except for those matters stated on information and belief and as
19 to those matters, I believe them to be true.

20 Executed this 5th day of August, 2019, in San Francisco, California.

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24 Ashley Gould, Declarant
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