



## Idaho State Legislature

700 West Jefferson Street  
Boise, Idaho 83720

April 9, 2021

Hon. Lawrence Wasden  
Attorney General  
700 W. Jefferson Street  
Boise, ID 83720

via email: brian.kane@ag.idaho.gov

Re: Idaho Immunization Registry Violations

Dear General Wasden:

We have recently received credible information that the Idaho Department of Health and Welfare (IDHW) is and has been registering the immunization status of Idaho adults for years. As part of our due diligence, several members of the legislature requested any of their own personal records that may have been reported to IRIS in an attempt to trace the reporting of the COVID-19 vaccines. These requests resulted in multiple reports listing adult vaccination records for multiple different vaccines over multiple years.

If this information is accurate, we believe that IDHW is acting in the absence of any statutory or regulatory authority. Pursuant to Idaho Code Sec. 67-1401(2), we ask that you advise IDHW of its *ultra vires* actions and require IDHW to immediately cease these registration activities and destroy any such registration information held by IDHW.

IDHW's only statutory authority to collect information on the immunization status of Idahoans is found in Idaho Code Sec. 39-4803. The voluntary immunization registry authorized by that code section is for "the immunization status of Idaho children against childhood diseases." The code section is replete with references to children and nowhere authorizes use of the registry, or any other data collection, for collection of immunization information about adults.

Title 39, Chapter 48, of the Idaho Code does not define "children" or "child" but "child" is defined in Idaho's regulations addressing immunization requirements for children in Idaho daycare facilities or schools. Specifically, IDAPA 16.02.11.010.04 defines a child as person less than 13 years of age. IDAPA 16.02.15.010.03 defines a child as a minor enrolled in Idaho schools from preschool through grade 12. Under no regulatory or common sense definition can the immunization registry be defined to include adults.

We ask that you keep us apprised of your efforts to redress IDHW's egregious regulatory overreach and unlawful actions. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Winder".

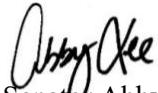
Senator Chuck Winder  
President Pro Tempore of the Senate

A handwritten signature in blue ink that reads "Scott Bedke".

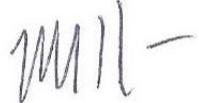
Representative Scott Bedke  
Speaker of the House of Representatives



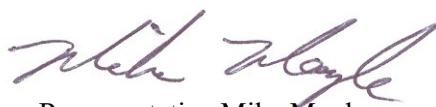
Senator Kelly Anthon  
Majority Leader



Senator Abby Lee  
Assistant Majority Leader



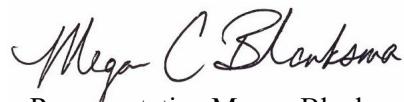
Senator Mark Harris  
Caucus Chair



Representative Mike Moyle  
Majority Leader



Representative Jason Monks  
Assistant Majority Leader



Representative Megan Blanksma  
Caucus Chair