



Dear School District Administrator,

This notice is being written on behalf of Wisconsin United For Freedom. It serves to ensure that your district is in compliance with State Statute 252.04 (regarding vaccinations), and avoids violating Federal Statutes regarding Emergency Use Authorization of the Covid-19 vaccine.

Specifically, any notification of “immunization requirements” in any school communications must also be, by law, accompanied by notification of the right to a waiver for reasons of health, religion or personal conviction. Furthermore, false or misleading information regarding vaccinations should not be distributed. Therefore, to be compliant with state law, inaccurate terms such as “mandatory” should be omitted and clear notification of exemptions must be included. We hope we can assist in clearing up any misunderstanding. The statutes are as follows:

Wis. Stat. §252.04(3):

The immunization requirement is waived if the student, if an adult, or the student’s parent, guardian, or legal custodian submits a written statement to the school, child care center, or nursery school objecting to the immunization for reasons of health, religion, or personal conviction. At the time any school, childcare center, or nursery school notifies a student, parent, guardian, or legal custodian of the immunization requirements, it shall inform the person in writing of the person’s right to a waiver under this subsection.

While the CDC makes vaccination recommendations, Wisconsin law provides exemptions to them and requires that individuals are made aware of this. Notice is now being served to all school districts advising each to review their literature. Please assure that you are providing accurate information regarding vaccine exemption rights and are in compliance with state law. All future communications from the district failing to abide by this law could be construed as a civil rights violation, therefore all non-compliant materials and communications need to be corrected immediately.

You may contact the Wisconsin Department of Health Services to verify this law at 608-266-1865. If DPI has not yet been in contact with you regarding this issue, you may find it beneficial to connect with them to see if they have made a uniform plan of corrective action for all districts.

Emergency Use Authorization

As it relates to the Covid-19 vaccine, it is important to remember that it has only been issued an emergency use authorization (EUA) by the Food and Drug Administration (FDA). As such 21 U.S.C. §360bbb-3 controls the issuance of such experimental product.

Section (e)(1)(A) of this statute states:

“With respect to the emergency use of an unapproved product, the Secretary, to the extent practicable given the applicable circumstances described in subsection (b)(1), shall, for a person who carries out any activity for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

(i) Appropriate conditions designed to ensure that health care professionals administering the product are informed--

(I) that the Secretary has authorized the emergency use of the product;

(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

(III) of the alternatives to the product that are available, and of their benefits and risks.

(ii) Appropriate conditions designed to ensure that individuals to whom the product is administered are informed--

(I) that the Secretary has authorized the emergency use of the product;

(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown, and

(III) **of the option to accept or refuse administration of the product**, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks. (emphasis added)

EUA Letter for Pfizer

“The emergency use of Pfizer-BioNTech COVID-19 Vaccine under this EUA must be consistent with, and may not exceed, the terms of the Authorization, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section III).”

Statement on FDA’s Website

FDA believes that the terms and conditions of an EUA issued under section 564 preempt state or local law, both legislative requirements and common-law duties, that impose different or additional requirements on the medical product for which the EUA was issued in the context of the emergency declared under section 564 ... In an emergency, it is critical that the conditions that are part of the EUA or an order or waiver issued pursuant to section 564A — those that FDA has determined to be necessary or appropriate to protect the public health—**be strictly followed, and that no additional conditions be imposed.** (emphasis added).

Thank you for your prompt attention to this important legal matter.

Sincerely,

Board of Directors for Wisconsin United For Freedom