

# Comment Report

Judiciary

Date: 04/26/2021

Time: 01:30 PM

Location: Law Library

**Name:** Sandy Wilson

**Comment:** Vaccine passports are intended to limit or deny citizens the freedom to participate in commerce around the state and the country in order to coerce citizens to participate in medical care they would otherwise refuse. Liberty Counsel has opined that forced vaccination is a violation of fundamental individual, economic, and religious liberties, the rights of personal autonomy and bodily integrity, the right to a religious accommodation, right to reject the vaccines, including and especially COVID injections. All existing COVID shots are only permitted under a federal Emergency Use Authorization (EUA), which law states that people must be provided informed consent and such drugs cannot be forced or coerced. Liberty Counsel also noted that forced vaccination of employees, as a condition of employment, violates the First Amendment and federal law. Vice President of Legal Affairs and Chief Litigation Counsel Horatio Mihet said, Forced vaccination against the rights of conscience is unconscionable. Americans should not be forced to choose between their livelihood and a COVID injection. The COVID experimental injection has only been approved by the FDA under an Emergency Use Authorization and it cannot be mandated. Such a Hobsons choice is not only unconstitutional and unlawful, it is also unAmerican. Liberty Counsel Founder and Chairman Mat Staver said, Forcing any person to receive one of these COVID injections authorized for emergency use by the FDA is a violation of federal law. The COVID injections are still in the investigation and experimental phase. No employer or government may force or coerce anyone to take these injections. Federal law requires full informed consent.. I urge you to heed the advice of Liberty Counsel to not only reject vaccine passports but support HF889 to ban them.

**Name:** Samantha Karaidos

**Comment:** Please support this bill! Nothing is one size fits all, and vaccines are no different. You need to protect ALL your constituents, and a passport is far from that. Its a huge infringement on our liberties in more than just medical privacy. Please listen, and pass this bill

**Name:** Daniel LaCorte

**Comment:** The tyranny must end. We need to become responsible as citizens and trust ourselves to make intelligent health care decisions. The Government has no rights to force its citizens through coercive or any other means to take any procedure or treatment. This has been clearly laid out through various Heath care protection acts. This experimental emergency use only gene therapy must never become mandatory!!! Enough is enough. 98 % survivable for most people is not an emergency. We must extend this freedom from forced vaccines to private as well as public institutions and entities. Additionally, experimental use of MASKS falls squarely into this area as well. Private entities cannot and must not continue discriminate for Masks as well. The most recent study from Stanford University upholds the same data published by the CDC themselves in several places that masks are ineffective. We must stop this madness.

**Name:** Kristine Ziegenhorn

**Comment:** The COVID experimental injection has only been approved by the FDA under an

Emergency Use Authorization and it cannot be mandated.

**Name:** Irina Primakov

**Comment:** Tyranny must end NO to vaccine passports! Do not infringe on our God given rights in this country! Respect our constitution and Freedom of Choice!

**Name:** Gwen Norland

**Comment:** As a citizen who suffers from claustrophobia and anxiety I can tell you and speak for anyone that suffers with this, it is a feeling of being handcuffed. You feel like you cant breath. I know there are many with much bigger conditions, I can only speak for this. Please consider all of us that are all for following the law, but this is control over our freedom. Please support this bill!

**Name:** Rebekka Yingling

**Comment:** Please support this crucial bill! Protect our freedom to make our own medical choices!

**Name:** Matt Shaw

**Comment:** AT ANY GOVERNMENT FACILITY OR ENTITY, OR SCHOOL, OR OPENTOTHEPIBLIC BUSINESS:NO mandatory or coerced vaccines.NO vaccine passport or similar proof of vaccination or proof therapeutic, or roof of any other pharmaceutical or nonpharmaceutical treatment.NO

**Name:** Katherine Lundberg

**Comment:** SUPPORT!!! We need you to fight for our Godgiven right of choice.

**Name:** Natausha Jean

**Comment:** Please support this bill. We need to proactively protect our freedoms! Please add a provision so IRIS cannot be utilized to confirm vaccination status. Our health privacy is of utmost importance. Government's primary responsibility is to protect our Godgiven rights. This bill is a step in the right direction. Thank you for your service!

**Name:** Jodee Murcia

**Comment:** Medical Tyranny must end now. Americans and Iowans have the right to mitigate their own risk, live, free, breath fresh air and choose what gets injected into their bodies or not. The fear, divide and discrimination on this issue must end now. Absolutely ban all vaccine passports. The Health Departments, Governments entities and even businesses must stop being the health police. I am a educated and informed citizen of Iowa. I choose freedom to the individual not government tyranny. No business or organization should hold this authority over peoples health choices.

**Name:** Debbie Smith

**Comment:** No to vaccine passports!! We have the right to our own healthcare decisions and we should not be punished, marked, denied services or travel for our choices. This vaccine passport is no different than that of Nazi Germany, marking those whom they wished to victimize! We have the right to life, liberty and the pursuit of happiness. You must uphold these rights for all Americans!

**Name:** James Murcia

**Comment:** Support this bill. NO Government has the right to limit personal freedom of health choice! Medical tyranny is over reach including dictating health choices. Bodily autonomy is a personal choice, not a government choice. Open to public Businesses and schools are not or should not be in any position to police personal health choices. Law enforcement and employers do not enforce personal health choices either!

**Name:** Elaine Michaels

**Comment:** Please pass this bill. I am NOT in favor of a vaccine passport as this infringes on my

Godgiven rights as a citizen. Losing this freedom would be another step to losing all of our freedoms. No government has the right to make medical decisions for me or my family and as an American, I want to keep that freedom!

**Name:** Reece Tedford

**Comment:** Support this bill! No to freedom infringement and no to vaccine passports

**Name:** Holly White

**Comment:** Requiring citizens to prove their vaccination for covid is a violation of our privacy, rights and pressures people into taking a drug that by all definitions is experimental. Furthermore allowing Covid passports would be a slippery slope to single out people who make the choice for various reasons, including religious, to not be vaccinated. This opens up the flood gates for so many violations to our personal privacy and choices for their bodies.

**Name:** Robin Kennicker

**Comment:** Please pass this bill! This would be the first step to upholding our freedom of choice. As a cancer patient, I would like this to go even further to "prohibiting businesses from discriminating against those who cannot or choose not to get a vaccine. Frankly, I am worried because I see a "mask mandate" that is STILL being enforced in Dubuque County and because of this MOST retailers DO NOT care if I or anyone else has a medical condition they still require you to wear a mask. I am concerned that this vaccine will go the same way. Local cities and towns can make "ordinances" themselves as Dubuque, Iowa does now (not caring what the Governor has said because they say they have "home rule.") We need this law to protect not only our choice but our needs. Thank you!

**Name:** Mayara Carneiro

**Comment:** SUPPORT with amendments. We urge you to pass this bill with protective amendments to safeguard the privacy of patients in medical facilities from being refused care or being kicked out of practice due to vaccine status. We want to see wording addressing the IRIS system, which is being utilized to confirm vaccination status, violating the individual's right to privacy and potentially leading to discrimination. IRIS Is a public website were you can see someones vaccine and vision data with full name, birthday, and social security number. This personal identification data is readily available to employers, schools, insurance companies, banks, etc. Also, this bill needs to cover employees from having their individual right of bodily autonomy, medical privacy, and religious freedom because as it stands, an employer can still attempt to require immunization with untested, unproven and experimental gene therapy.

**Name:** Sheila Wemark

**Comment:** To even CONSIDER a vaccine passport for something that only has Emergency Use Authorization is unconscionable. To even CONSIDER a vaccine passport for something with no longterm (LT) studies, no LT studies on children, no LT studies on pregnant women, no LT studies on teenagers, no LT studies on persons with chronic health conditions, which is the majority of our population, no LT studies on the elderly, whom you are so desperately trying to protect, is unconscionable. To deny rights based on a vaccine passport encourages even the hesitant to get this understudied shot. Their blood is on your hands if the fear of not being able to get back to life makes them take this possibly fatal shot. No vaccine passports in Iowa please.

**Name:** Kathleen Burnes

**Comment:** Please support this bill and not allow our rights to be infringed on. Thank you for protecting our liberties!

**Name:** Jenny Dennis

**Comment:** Please pass this bill. No vaccine that is not even FDA approved yet except for emergency use should be mandatory. It is a medical decision and people should have a choice just like the flu shot. With risks and unknowns this should pass under constitutional rights.

**Name:** Emily Peterson

**Comment:** Please support this bill. As we as Americans see our freedoms slipping away this is a bill that is key to keeping many of those freedoms we see are threatened now. Do the right thing and support this bill.

**Name:** Mike Sternat

**Comment:** This vaccine is medical tyranny !! My body my choice !! Gates and Fauci need to be arrested for crimes against humanity for making and releasing this virus ! This has a 99.98% survival rate, and there's no need for mandatory vaccinations !! We are more apt to be killed in an auto accident !! This is EXPERIMENTAL TECHNOLOGY !!! It has killed ALL animals it was tested on in the past !! It should NOT be given to humans !!! The 2nd shot KILLED my sister in laws healthy 67yr old aunt within 24 hours !!! We all need to say no to this !!!

**Name:** Leslie Beck

**Comment:** Please SUPPORT HF889. Health care decisions should not be a basis for access. And Americans should not be discriminated against on the basis of those decisions. HF889 is a good first step and I look forward to additional protections in the future to protect our freedoms. We also need protection against being denied medical care on the basis of vaccine status. In addition, employees need protection against employer vaccine mandates. And finally, Iowans need protection against IRIS being used to access private vaccine status.

**Name:** Anna Wolvers

**Comment:** Let me remind you of our State's motto: Our liberties we prize... We need you to support this bill with a few amendments. No medical care should be denied either because some of us have had adverse reactions to other vaccines! Or we have Celiac and can't have the MSG added which attacks our bodies. Or our religion does not support aborted fetuses being put in us. Masks need to go away as well. No tracking, vaxxing, or masking needs to be allowed!! We've never done this with any of the other 100s of vaccines, why start now?? I'm sick of not being able to work & help others, or support myself because I CAN'T wear a mask or be vaccinated.

**Name:** Ryan Jensen

**Comment:** Any form of governmental overreach that prohibits the free exercise of our inalienable God-given rights is tyranny. I agree that mandates of many forms are such examples of said tyranny, and was expected by our founding fathers. We must return back to a free nation ruled by the people, not unelected federal bureaucrats. A vaccine or otherwise 'passport/ID' is unconstitutional. We need to prevent all forms of overreach, including healthcare facilities, where our loved ones wish to spend with us.

**Name:** Miranda B

**Comment:** As an Iowan, the Vaccine Passport Bill (HF 889) is so very important to me. I have great concern over businesses, places of employment, and other services in the community asking for my private health information in order to participate in my community. I passionately urge you to PASS this bill in order to maintain our freedoms, and further consider amending it to protect Iowans as it does not seem to apply to Healthcare facilities or their employees, and the use of the IRIS system as potential to violate an individual's right to privacy and leading to discrimination. Having a bill like this will further help alleviate the worry over having our inalienable rights violated. Our right to medical privacy and bodily autonomy is

pivotal in maintaining our freedom.

**Name:** Sally Gaer

**Comment:** This bill is so very important. Please give your full support. As a mother to a vaccine injured daughter, we have the right to choose what is put into our bodies now that we know first hand the damage done, which is NOT reversible.

**Name:** Brenda Meyer

**Comment:** Please support this bill. I continue to want to make decisions for my own health and not be mandated to comply due to government regulation. I value travel immensely, and have done a lot of it in the last year with no adverse effects.

**Name:** Maria Staudt

**Comment:** I currently hold a medical exemption card for the vaccines on the current US vaccination schedule due to an adverse reaction to my 6 month DTaP vaccine. Requiring proof of vaccination at businesses, venues, etc will limit my ability to participate in commerce. It will also mark me as "other" and allow me to be treated differently than my vaccinated family and friends. Please say NO to essentially mandating use of an experimental pharmaceutical.

**Name:** Maria Staudt

**Comment:** I currently hold a medical exemption card for the vaccines on the current US vaccination schedule due to an adverse reaction to my 6 month DTaP vaccine. Requiring proof of vaccination at businesses, venues, etc will limit my ability to participate in commerce. It will also mark me as "other" and allow me to be treated differently than my vaccinated family and friends. Please say NO to essentially mandating use of an experimental pharmaceutical.

**Name:** Heather Stancil

**Comment:** I support this bill. No entity has the right to demand medical information or proof of compliance with certain medical treatment as condition of any employment (including healthcare), engagement in commerce, receipt of education, or to receive medical care. However, this bill needs to be improved. Currently healthcare facilities are exempt, which could lead to denial of medical treatment ( I have already been denied medical care due to my inability to wear a mask) , or denial of employment. Also, it does not address the ability of IRIS (vaccine registry) to be used as a stand in for a vaccine passport. Anyone who has your name, birthdate and SSN can currently access ones vaccine status, which in itself is unacceptable. Please pass this bill, with amendments to address the gaps.

**Name:** Sally Crowley

**Comment:** Please support this Bill. This is a private medical decision about an unapproved treatment. Even if it becomes approved, medical information is private and has never been required to move freely within our country.

**Name:** Katie Struckman

**Comment:** I support this bill with the amendments! Please protect our Constitutional Freedom and Liberties!

**Name:** Charity Corbett

**Comment:** One size does not fit all. My body, my choice.

**Name:** Anemarie Ganea

**Comment:** This bill HF 889 represents our freedom. Without our freedom we don't have USA, we don't have Iowa, Nebraska, Texas, Florida, etc. We will not be any better than China, Venezuela, Cuba or Germany in world war II where people are controlled by a government who DICTATES in all aspects of their lives. Pass this bill for our

forefathers who fought for their and our freedom and for us who are now fighting for our children's! A health passport would do no nothing than create a second class citizens(healthy) group who would not be able to benefit from all that life has to offer. Let's keep our Iowa logo intact ! Our liberties we prize our rights we will maintain !

**Name:** Kristine Bartely

**Comment:** Someone posted this earlier. It reflects my thoughts so I am echoing it here: Medical Tyranny must end now. Americans and Iowans have the right to mitigate their own risk, live, free, breath fresh air and choose what gets injected into their bodies or not. The fear, divide and discrimination on this issue must end now. Absolutely ban all vaccine passports. The Health Departments, Governments entities and even businesses must stop being the health police. I am a educated and informed citizen of Iowa. I choose freedom to the individual not government tyranny. No business or organization should hold this authority over peoples health choices.

**Name:** Genevieve Manatt

**Comment:** Please support this bill. We are losing our freedom, and you have a responsibility to the American people to stand up, instead of cowering against what they are trying to do. You are the backbone that speaks for " WE THE PEOPLE"! Please sign and pass this bill for us. Our freedom is so important and we need your help in signing this and passing this bill.

**Name:** Gail DeJong

**Comment:** Please support this bill. It is so wrong to let our freedoms be threatened and ultimately destroyed by forcing these kinds of measures (vaccination passports) on those of us who do not want our privacy violated.

**Name:** Amanda Pals

**Comment:** Please support this bill!!! Americans should have the freedom to decide what goes into their bodies. If the vaccine passports become a thing, it is a slippery slope indeed and also infringes on our religious freedoms. Thank you for your support!!!!

**Name:** Libby Hellenga

**Comment:** No to vaccine passports! This violates our freedoms!

**Name:** Diane Holst

**Comment:** Support this bill. The current COVID19 therapies are not vaccines based on the definition of vaccine in Iowa code. They do not provide immunity. Any government, business, nonprofit, etc., looking to require these nonlicensed treatments to participate in life may find themselves exposed to liabilities. "Immunization" shall have the same meaning as, and shall be interchangeable with, the term vaccine. "Vaccine" means a specially prepared antigen administered to a person for the purpose of providing immunity. But this is not the heart of the issue. Our medical information must remain private, and the idea that any entity would be allowed to use this protected information to discriminate is unthinkable. And for those wishing to give up their liberties in this era of our personal information being stolen on a regular basis, I can tell you from my own experience with breaches at the Office of Personal Management, a contractor of the Department of Homeland Security, and my healthcare provider, I would have no confidence in personal medical data being in the hands of outside companies where damages are settled with an apology letter and an offer for a free year of credit monitoring.

**Name:** Sue West

**Comment:** Please support this bill. We need to proactively protect our freedoms! Please add a provision so IRIS cannot be utilized to confirm vaccination status. Our health privacy is of utmost importance. Government's primary responsibility is to protect our God

given rights. This bill is a step in the right direction. Thank you for your service!

**Name:** Jasanna Czellar

**Comment:** Please support this bill that protects Iowans like myself and my family from having businesses require personal medical information that is private and part of our rights. Each person deserves to choose whether or not to have health procedures and should not be coerced through business practice to have a medical procedure forced upon themselves or their family.

**Name:** Jena Newell

**Comment:** We are adamantly opposed to the use of vaccines that are not FDA approved, as well as vaccine passports for any reason. We are in complete support of the passage of bill HF889 which protects our right to make our own medical decisions and keep those decisions private. Our body, our choice!

**Name:** Dennis Pallwitz II

**Comment:** There must be an undeniable message sent to all employers and government officials that the infringement of the rights of the people of Iowa will NOT be tolerated. The outright ban on any form of vaccination passport must be done. There must be language in the bill that bans these passports for severe punishment for any who would dare do this.

**Name:** Chris Haring

**Comment:** Please protect my rights

**Name:** Sheila Streicher

**Comment:** Please pass this bill. These types of passports would be a huge infringement on our freedoms. Putting people in a situation where they'd feel essentially forced to get a vax regardless of their medical situation and individual risks would be unwise. Thank you.

**Name:** Jeffrey Fahrman

**Comment:** I would like to express my strong support of the Vaccine Passport Bill that will be considered this next week. Iowans should NEVER be forced to show proof of vaccination status. That is a private medical decision that should never need to be disclosed against someones will. In fact, the Governor and public health authorities need to be reigned in with their vaccine coercion campaigns that are attempting to pressure Iowans into the vaccine. That should be a personal decision that no government official should be recommending one way or the other! Its great to have a vaccine available, but since when should government be so highly involved in trying to get shots in arms? Individuals should have the freedom to weigh the risks of the virus versus the vaccine and make a personal decision without government trying to guilt them into getting the vaccine! The Republican majority needs to pass this vaccine passport bill. In fact, they should also follow other Red majority states and amend it to further to address the following which I understand are not addressed in the current bill: 1) Does not apply to healthcare facilities, 2) Does not address IRIS being utilized to confirm vaccination status, which violates an individuals right to privacy and possibly allowing for discrimination, 3) Does not apply to employees at these entities, also violating their right to medical privacy and their ability to make their own healthcare decisions.

**Name:** Jodi Nelson

**Comment:** Please pass Vaccine Passport Bill (HF 889) and add further protections to ensure healthcare facilities cannot deny or provide a different standard of care to people based on vaccination status or for any employer to discriminate against or pressure employees based on vaccination status. Please also address the issue of IRIS being utilized to confirm vaccination status, which violates the individual's right to privacy

and potentially leads to discrimination. Thank you.

**Name:** Jessica Pennings

**Comment:** Vaccine passports are a violation of our constitutionally protected rights over our own bodies. There is no room in a free society for these passports. They are a violation of privacy, they are discriminatory as there is no one size fits all medicine, and manufacturers, businesses, and the government are free from any liability if the product harms me in any way. Please support this bill and say no to enslaving Iowan's in order to participate in society.

**Name:** Natalie Murphy

**Comment:** Please support this bill with the amendments that protect our medical freedom and privacy on all fronts.

**Name:** Hannah Grandstaff

**Comment:** Please support this bill! Medical freedom, informed consent, and bodily autonomy are basic human rights!! Bioindividuality of persons gives us an obligation to respect the rights we have pertaining to what goes inside our bodies. Thank you for fighting for our freedoms in Iowa!

**Name:** Holden Grandstaff

**Comment:** Please support this bill and not allow vaccine passports. This would be detrimental to our state and economy.

**Name:** Coreena Kinney

**Comment:** I support HF 889, and I feel it should be more strongly worded to prevent employers from requiring any vaccine as a condition of employment. Also, please plug up the leak in IRIS. My employer has all the information needed to access my personal medical information that is in IRIS. They currently could look it up without my permission. A vaccine passport does not in any way guarantee good health. Vaccines can fail to provide protection, may not have ever been tested to prevent vaccinees from becoming silent carriers, and as a class, are limited to potentially providing protection against just a handful of diseases. Please protect citizens like myself from a loss of freedom and from medical tyranny. My healthcare choices are my business, and no one else's.

**Name:** Janelle Hartvigsen

**Comment:** Im 100% opposed to vaccine passports and consider this a huge infringement on our privacy and freedom. We must fight this at all cost.

**Name:** Casee Burgason

**Comment:** End tyranny and a Big NO to vaccine passports. This is discrimination and violates the constitution. The Covid vaccine was issued on an emergency basis only.

**Name:** Annette Abusharkh

**Comment:** Our family of 6 is asking you to support this bill HF 889, for Vaccine Passport Protection. We have multiple autoimmune diseases/syndromes/conditions in our home. We would like our medical privacy and body autonomy respected and protected. We should decide what we put into our bodies and what of our medical history we allow to be shared with others. Also please add amendments for including healthcare facilities in this bill. We would also like to have IRIS addressed with regards to keeping our medical records confidential and that we would not be able to be discriminated against. Support our rights to medical privacy, freedom and to not being discriminated against.

**Name:** Jacqueline Beran

**Comment:** I am writing to urge you to support HF 889. By doing so, you will be protecting the privacy and freedoms of all Iowans. I also request that you amend it to include further protections. This bill needs to include healthcare facilities, as well as their employees. This bill also needs to address the current IRIS system, which is being utilized to confirm vaccination status even now. Both the IRIS system and vaccine passports would violate our right to medical privacy and bodily autonomy and could eventually lead to discrimination. Thank you for your consideration.

**Name:** Pam Bonneville

**Comment:** Please support this bill. We the people are speaking! Listen!

**Name:** Pam Bonneville

**Comment:** Please support this bill. We the people are speaking! Listen!

**Name:** Amanda Kinzenbaw

**Comment:** Please do not require the people of Iowa to get the Covid shot. It has not been proven effective or safe, especially in the long term. We also need to keep our rights as it pertains to our health. Thank you.

**Name:** Mark Sandersfeld

**Comment:** To the uninformed. The misnamed vaccine is not a vaccine it is an Experimental Gene Therapy. An experimental drug cannot be mandated against our rights or religious freedoms. Call it what it is and not what it is not. This is the largest ruse the American public has ever had to confront. Do your job legislators and defend the publics rights against socialism.

**Name:** Amanda Lee

**Comment:** Support this bill. No vaccine passports.

**Name:** Kelly Staker

**Comment:** Please support this bill and strengthen it to protect our God given liberties everywhere in our state. Thank you.

**Name:** Melanie Bell

**Comment:** Please support this bill to say NO to vaccine passports. Also, please amend the bill to add businesses, schools, and any other entity to the list of entities NOT allowed to demand vaccine passports. As American citizens, we should have the right to make our own health care decisions over our own body, not be forced by the government or businesses. There's many studies out that prove that vitamin D will go a long way in keeping people healthy, so there are other ways to stay healthy than shots that are not even approved other than for emergency use. There are no long term studies proving the safety of the covid19 vaccine.

**Name:** Daniel Bell

**Comment:** Please support this bill to say NO to vaccine passports. Also, please amend the bill to add businesses, schools, and any other entity to the list of entities NOT allowed to demand vaccine passports. There's many studies out that prove that vitamin D will go a long way in keeping people healthy, so there are other ways to stay healthy than shots that are not even approved other than for emergency use. There are no long term studies proving the safety of the covid19 vaccine. This also infringes on our right to medical privacy and HIPPA issues. Imagine if everyone had to prove that they did not have HIV to go into an establishment? This is no different.

**Name:** Annetta Elgatian

**Comment:** Please support this bill. We must retain our freedom to choose what medical care we wish to receive. Creating a vaccine passport will cause discrimination against those

who choose not to receive vaccines on the basis of religion, health issues etc.....

**Name:** Joan Mohr

**Comment:** Please say NO to vaccine passports. There have been over 2,600 reported deaths to VAERS as a result of the covid19 vaccine since January 2021. We should not be forced to take a shot that has potential to kill us and we don't know if it will kill us until we take it. I know 2 people who lost their fathers shortly after the fathers took the covid19 vaccine. With a 99.9% survival rate, there is no reason to force people to take this shot.

**Name:** Elizabeth Sanders

**Comment:** PASS THIS BILL!!! It is your duty as elected officials to protect and serve your states constituents who allowed you to be in this position. We the people have been continually let down by our elected officials and our rights trampled on and snatched out from under us in the blink of an eye. please protect this right of ours to make our own decisions regarding our health and our families health. It is not a one size fits all decision, and we have to be respected as individuals and trust that we ourselves, are our families best advocate. NO one else holds that position.

**Name:** Amy Long

**Comment:** Please support this bill! Healthcare should not be a one size fits all mandate. There are so many reasons why a vaccine passport is a horrible idea. Please pass this bill. Do not allow vaccine passports anywhere!

**Name:** emily lewis

**Comment:** SUPPORT THIS BILL! keep our medical choices private in all ways unless we as an individual choose to give it out.

**Name:** Tracy Mills

**Comment:** Please support this bill, with amendments. It's my hope that someday we won't have to duplicitly legislate constitutional guarantees. As the current pandemic has revealed such blind madness among elected and bureaucratic leadership, please show your support of freedom to access commerce, public transport, employment, education and healthcare regardless of ones fully informed choices to accept or decline medical intervention. There is an unconscionable level of denial of the risks to health and life from vaccinations by political and healthcare leaders. It's an insult to the public's intelligence to pretend there aren't dangerous risks, and presume to know better than individuals and parents. Never before have we segregated populations according to their compliance to health models. Not even for actually having deadly transmittable conditions, let alone HEALTHY people. Don't allow a precedent to be set that well and healthy unaltered persons can be discriminated against by misguided megalomaniacs.

**Name:** Brei Johnson

**Comment:** Thank you for working to move this legislation. Please do a complete job of protecting Iowans and amend this legislation so it does apply to healthcare facilities and addresses concerns over the IRIS system which is accessible to the public and provides no opt out option.

**Name:** Darin Hartvigsen

**Comment:** I very sincerely ask our legislators to study this issue out in your minds, and make a decision based on the minds of the people you represent and please not partisan politics. I go back and forth on this issue. And at some point we need to stop the fear. Living in fear does not promote freedom. Sincerely, I ask how much do you really know and understand about this virus? Has there ever been anything like this legislated concerning a previous virus? I dont know. I have been vaccinated for many

things. To travel overseas we have requirements for vaccinations to visit other countries. There is much distrust with politics and any headline today. They all contradict each other. That is really true. So I ask again, how much do you know about this vaccination? What are the risks vs the benefits? Who do you represent and how much do you know to represent us honestly? Keeping us healthy does not necessarily mean a legislated vaccine. It might. Our freedoms are legislated too. Many times there is no black or white answer. Until you feel truly that you are heavily decided with honesty and clarity of mind (not partisan lines etc) please vote to keep our freedoms do not legislate mandatory vaccinations to travel freely in our country or state. Respectfully if you really haven't studied this issue deeply on your own to be confident in your representation then please vote mandatory vaccination down let the individual decide. The vast majority of the people can make safe decisions and avoid fear. If you are very confident and have an honest understanding enough to vote to pass legislation then so be it. Please do this honestly and unitedly, and speak also in such a way that we can stand unitedly.

**Name:** Christophe Petit

**Comment:** What is green passport vaccine? Here's my answer: It's in line with China credit score same thing. It is the current system in Israel which tells you what you can do and what you cannot do. In Israel, it's regulated heavily by government Nazi regime asking: papers please which is global United Nation for the rest of the world that will most likely replace the local police department. If you do not have the proof of the Certificate of Vaccination ID (COVID) you cannot buy goods or be a good citizen, the globalist will reject you and you can't get what the system offers if you are not in it and do not build it up. It's similar than the US credit score except it is fully committed to the government and system as a whole. Totalitarian system globalist system and society hand to hand like religion in Israel and Islam is religion and society. It is leading to the upcoming mark of the beast which will only allow those microchipped to buy and implanted on the arm and head and as for the others, they will either have faith in God or did a martyr death. We are at war, WW3 will likely be nuclear cloud and all will get to complete darkness. The Messiah will come very soon in our lifetime so it will get darker before it gets better. Right now the Sheriff asked in a letter to me to donate money to train police department. Why? Training for something upcoming new... I'm not donating for something I don't know details about. Iowa state has been sending so far 2 updates for injection and there soon will be 20 or 30 more so that many weeks until their agenda comes to pass. It's coming here too. Don't worry. If people do not say NO now, then When..? I told the Rabbi Chabad My farmers friends black American farm might take me but I give them and everyone late notice, I got video an hour ago. And it's meaningful because I'm not born here. I came to America as a land of opportunity for me, it is like Abraham had to go to another land so I certainly don't take the US for granted. American people mostly are ignorant, unthankful, and cowards.. they rather obey CDC than Hashem that they don't search for Him. Sad. Our country will save it only the true patriots that care.

**Name:** Christophe Petit

**Comment:** I support this bill. It is each person's body, his right to decide. One shall not be forced to get the jab to get benefits. It's called incentive and bribe and unconstitutional. A nation under God and Pharaoh was the enslavers of the Israelites. Now the enslavers have differed by names and organization. Send them back to where they came from, to the darkness of the bottomless pit.

**Name:** Alysia Alger

**Comment:** I am writing to urge your support of HF 889. Every Iowan should have the autonomy to make the best informed medical decisions for themselves and their children based on their own individual research and values without governmental intrusion or oversight. COVID-19, in its worst case scenario, has a survival rate of 91%, and recent reports have shown the currently available vaccines, which are not yet

FDA approved, are not without serious, though rare, potential risk to life and health. Regardless of the health issue in question, no Iowan should be treated or made to feel like a secondclass citizen for making their own choices relating to the prevention or treatment of any medical condition. America was founded on the principles of individual liberty and personal responsibility and Iowans must not sacrifice these ideals on the altar of fear.

**Name:** Brittany Krapfl

**Comment:** I support HF889. Anyone that needs a passport to maintain their freedom is not free at all.

**Name:** Margaret Nixon

**Comment:** Please support this Bill. This is a private medical decision about an unapproved treatment. This type of vaccination has previously NEVER been approved due to severe adverse complications during the animal trials. This experimental gene therapy treatment SKIPPED the animal trial phase. There are VERY EFFECTIVE and VERY SAFE therapeutics. I overwhelming support the passage of this bill.

**Name:** Misty McMurry

**Comment:** Please support this bill and protect our freedoms

**Name:** Suzanne Welton

**Comment:** Please, please do the right thing for ALL citizens. Go back in history, take a hard look at I.G. Farben and Hitler, let us not do that again!!! We are on a slippery slope here and while I am not sure our government has our best interests at heart I am sure Big Pharma does not have our interests at all.Please!

**Name:** Mindy Paulson

**Comment:** SUPPORT HF 889 and pass it WITH AMENDMENTS to protect ALL Iowans from being required to receive medical treatments (vaccines, injections) against their will, no exceptions. Please work diligently to add further protections in this bill regarding healthcare facilities, schools, and employees everywhere, and to close the loophole where IRIS is concerned so the privacy of all Iowans is protected.

**Name:** Connie Huff

**Comment:** I support the passage of HF 889 Vaccine Passport Bill. I will be in attendance at today's session.

**Name:** Shayla De Nooy

**Comment:** NO WAY TO VACCINE PASSPORTS!!! The COVID experimental injection has only been approved by the FDA under an Emergency Use Authorization and it cannot be mandated.

**Name:** Candy Bilstad

**Comment:** Pass this bill and stand for God given rights to choose how to take care of our own medical treatment. This is not a viable vaccine and we are merely being used as a laboratory specimen to run trials on a massive scale. We are living in the last days. Make yourself aware of what technological advances could be used against the common people for total population control. Freedom is never free and standing for what is deemed good is NOT always RIGHT. Read your Bible, seek Gods counsel, you have been placed in this very position for such a time as this to do the RIGHT thing!

**Name:** Kathy Pietraszewski

**Comment:** I urge you to support our rights to make informed medical choices. I am a caregiver and my husband has an immunocompromised condition. In a 45year marriage, I have seen firsthand what drugs do to the human body. He has had 13 joint replacements

and been on all kinds of prescriptions. Since his severe stroke nearly 14 years ago, I had to start taking care of him and all his meds. I began asking questions of the doctors as to why he was on a certain prescription. Some of them were for the side effects of the others. It did not take long to get him down to 4 drugs from 13. He eats good food and does not take flu shots. Some doctors have said he is a walking miracle, but a lot of it is also just taking care of the bodies God has given us. Forcing anyone to take an experimental shot they do not want sets the wheels in motion for total government tyranny. Think about this: There are many people like me who are fearful of being near people who recently had the Covid "vaccine" because there is a strong possibility they can shed the virus without knowing it. Yet, we are not asking you to stop them from going into public places. Why should healthy people like me be required to take a toxic shot to go anywhere? Do you really want to discriminate on people this way? I think not. After all, it is not whether I wear a mask or take a shot which makes me less of a threat to other people. Rather, it is whether I have the moral character to stay at home if I know I have symptoms. (No law can enforce that.) Support medical freedom. Do your part to keep America a place where people might actually want to live.

**Name:** Sarah Farnsworth

**Comment:** As an Iowan, the Vaccine Passport Bill (HF 889) is of extreme importance to me. I am an educated, informed citizen and I have great concern over businesses, places of employment, and other services in the community asking for my private health information in order to participate in my community. I passionately urge you to PASS this bill in order to maintain our freedoms, and further consider amending it to protect Iowans as it does not seem to apply to Healthcare facilities or their employees, and the use of the IRIS system as potential to violate an individual's right to privacy and leading to discrimination. Having a bill like this will further help alleviate the worry over having our inalienable rights violated. Our right to medical privacy and bodily autonomy is pivotal in maintaining our freedom. We the people, are the only ones that know our private, personal, medical and history and health condition and should be able to choose what to inject into our bodies. The COVID injections are still in the investigation and experimental phase. No employer or government may force or coerce anyone to take these injections. Federal law requires full informed consent.. I urge you to heed the advice of Liberty Counsel to not only reject vaccine passports but support HF889 to ban them.

**Name:** Dan Hankner

**Comment:** I urge you to not only pass this bill, but amend it so the following are also covered it is absolutely critical that our state stands up against the inevitable onslaught of tyranny from our federal government:Must apply to healthcare facilitiesMust address Immunization Registry Information System (IRIS)Must apply to employees at said entities, violating their individual right to medical privacy and bodily autonomy.

**Name:** Nicole Hasso

**Comment:** Please pass this bill, This is an individual decision not a government or state decision. We are not force to get a flu shot, we should not be force to be vaccinated. HIPPA allows us to have privacy when it comes to our health. I am in support of this bill, please leave it to the individual. I should not be penalized if I choose not to be vaccinated.

**Name:** Christina Crew

**Comment:** Support!

**Name:** Courtney Collier

**Comment:** Please support this bill to prevent the use of vaccine passports in Iowa. As Iowans we say our liberties we pride and our rights we will maintain therefore we must say NO to any legislation that violates those. A vaccine passport is a tyrannical and

fascist concept which violates privacy and basic human rights. Please amend this bill to include all health care facilities and their employees. Please also amend to prevent the use of IRIS as a means of verifying vaccination status. Personal medical procedures including vaccines must remain a private and individually consented to decision after receiving fully informed consent.

**Name:** Marni Hockenber

**Comment:** Please support this critical bill. Our personal liberties and freedoms are being eliminated step by step. We will not tolerate any form of a Covid passport or whatever misleading name they call it. Iowa is one of the states that does try to protect its citizens from government overreach. Let's set a shining example of how we value and are committed to personal freedom and liberty. Iowa has had an official state motto since 1847: "Our Liberties We Prize and Our Rights We Will Maintain. Let us stay true to our founding principles!"

**Name:** Colleen Christopherson

**Comment:** Please do not mandate vaccine passports. People have the right to choose whether or not they want to be vaccinated.

**Name:** Lori Hauxwell

**Comment:** Please support this bill. I for one am unable to take this due to multiple reasons. Namely I have an immune issue and cannot take this. Beyond this I still would not. Thanking you in advance. Lori Hauxwell

**Name:** Lori Hauxwell

**Comment:** Please support this bill. I for one am unable to take this due to multiple reasons. Namely I have an immune issue and cannot take this. Beyond this I still would not. Thanking you in advance. Lori Hauxwell

**Name:** Kayla Byington

**Comment:** These vaccines are only approved for emergency use. In just four months, over 2500+ deaths have been reported and 50,000 adverse events and this is just what has been submitted to a passive, unfamiliar reporting system (VAERS). We have no understanding of the long term consequences of this technology. Vaccine passports would force an experimental technology on our children, who have a 0% chance of dying from this virus. Please don't risk their futures. Pass this bill with the proper amendments to avoid any medical discrimination.

**Name:** Paula Vandewall

**Comment:** As an Iowan, the Vaccine Passport Bill (HF 889) is so very important to me. I have great concern over businesses, places of employment, and other services in the community asking for my private health information in order to participate in my community. I passionately urge you to PASS this bill in order to maintain our freedoms, and further consider amending it to protect Iowans as it does not seem to apply to Healthcare facilities or their employees, and the use of the IRIS system as potential to violate an individual's right to privacy and leading to discrimination. Having a bill like this will further help alleviate the worry over having our inalienable rights violated. Our right to medical privacy and bodily autonomy is pivotal in maintaining our freedom.

**Name:** Teresa Meyer

**Comment:** Any governmental entity, public or private business requiring proof of vaccination is medical and religious discrimination. I do NOT consent to vaccine passports. Please amend and pass this legislation. Lines 3031 must be removed. Healthcare cannot be prohibited based on medical conditions or religious convictions. This bill should also be amended to include Iowa's workforce. It is medical and religious discrimination to

require mandatory vaccination for employment. Thank you.

**Name:** Pat Miletich

**Comment:** Creating a two level society that excludes any group of citizens is a flat out human rights violation. Whether you did or did not get the "experimental gene therapy" injection, it would absolutely rip this state apart and lead to further oppression. Every business in Iowa must adhere to the same and not be allowed to discriminate for ANY reason whatsoever. If you don't think there is a darker plan by these elites, go to YouTube and type in "Shindlers list" along with "essential worker" and watch the one minute clip

**Name:** Jonathan Otto

**Comment:** Please support freedom, choice, the US Constitution, and God given rights. The Draconian measure of vaccine passports have no place in this great State. They are not needed and not wanted. Please support this bill.

**Name:** Kate Giebeck

**Comment:** Please support this bill. We need to be proactive in supporting and PROTECTING our God given freedoms. There is no way my family's personal medical decisions should affect our everyday life and be on display for the world to know. My family and their health is my first priority, and it is no one's business but our own!

**Name:** Elizabeth K

**Comment:** Please support with amendments to fully protect individuals rights of bodily autonomy, medical privacy, and religious freedom. Coercion is not consent.

**Name:** Brenda Zobel-Moody

**Comment:** Please support this bill. We should never have a vaccine passport. We, as FREE American citizens, should be allowed to make our own health decisions. This virus has a 99% survival rate and we should be allowed to choose to use our own natural immunity. We should have a choice, both in whether we choose to get the vaccine and whether we choose to wear masks. We should not be forced or coerced to do either one. Please do the right thing and support our rights as American citizens. Enough has been taken away,

**Name:** Angelique Gilbert

**Comment:** I SUPPORT HF 889. "Vaccine Passports" pressure citizens to participate in the ongoing COVID19 vaccine EXPERIMENT. All of the injections available from Moderna, Pfizer, Johnson and Johnson, and Astrazenca are still under AUTHORIZED EMERGENCY USE, we cannot pressure citizens to accept an EXPERIMENTAL MEDICAL PROCEDURE simply so they can engage in normal life: this is exactly the sort of thing the United States and Iowa need to stand AGAINST. Healthcare workers also need to be protected from being required to accept this experimental procedure. Patients need to have access to normal, preventative healthcare regardless of their vaccination status. The ability for students to have normal attendance in school regardless of vaccine status needs to be protected. Please consider adding these items to the current bill. Please, please protect our GodGiven freedoms! God bless.

**Name:** Bethany Niermeyer

**Comment:** I am writing in STRONG support of HF 889 to ban vaccine passports. Though I am concerned with how vague this bill is. We need protection from vaccine mandates at EVERY level, not just at the government level. I do not want anything to do with an incredibly experimental vaccine for me nor my family. My son is 9 and had a stroke after his 2 month vaccines and I already have to drive 2 hours for him to see a doctor, even WITH a medical exemption. I know hospitals cannot deny you care but what if one of us just needs some routine blood work, or antibiotics, etc? Will we be denied

if we do not have a covid vaccine? Will I have to drive 2 hours for that too? There is literally no pediatric or family doctor in the Cedar Rapids area that will see my son unless I get him full up to date on his vaccines. I worry about being able to still get groceries, or gas, etc. if this bill does not address private businesses. Governor Reynolds may not have forced us to mask, but the businesses did. I fear this is exactly what will happen if we do not address this now. Especially with these mask mandates not going anywhere. I know we may not agree, but this is incredibly important to my family and MANY others across the state. I don't care if people chose to get a vaccine but a vaccine should NEVER be forced on anyone, especially just to provide for their families (work, groceries, etc.) ESPECIALLY when this vaccine is not even fully FDA approved and the trials aren't up for over a year depending on the manufacturer.

**Name:** N H

**Comment:** The fact that a bill like this even has to be introduced and brought to the table for debate right now just goes to show, how CORRUPT this entire PLAN is. Where along the line have we forgotten that we live in a FREE COUNTRY; and that ABSOLUTELY NO ONE SHALL EVER HAVE CONTROL OVER FREE, SOVEREIGN INDIVIDUALS?! Tyranny is happening on so many levels right now and it's all in plain sight, but WOW have MANY been blinded. At a time like this WE ALL DESERVE THE TRUTH and it's absolutely appalling to me at how much the TRUTH is being suppressed. Sadly, money talks and "The biggest wallet pays for the most blinding lights." ON TYRANNY by Timothy Snyder. OPEN YOUR EYES!!! ENOUGH IS ENOUGH!!! REMEMBER YOUR OATH AND OUR STATE MOTTO: "OUR LIBERTIES WE PRIZE, AND OUR RIGHTS WE WILL MAINTAIN."

**Name:** Deborah Tappendorf

**Comment:** I strongly oppose the vaccine passport! This does not embody the freedoms and value of our wonderful country. We, as a free people, should not be mandated to get a vaccine.

**Name:** Lisa McClure

**Comment:** For freedom's sake, pass this bill. Please amend it to include further protections as the current bill: \*does not apply to healthcare facilities\*does not address IRIS being utilized to confirm vaccination status, violating the individual's right to privacy and potentially leading to discrimination\*does not apply to employees at said entities, violating their individual right to medical privacy and bodily autonomyNO ONE, including private businesses, should be able to refuse services/access due to a medical reason. Those companies choosing to require this should be excluded from doing service in our great state. One should not have to disclose medical status to participate freely in society. This would be tyranny. Iowa is a leader in right action. Iowans don't support tyranny.

**Name:** Tessa Callender

**Comment:** I am not one to push many issues, but I feel extremely passionate about protecting our freedoms & rights with the topics at hand as they are quite unconstitutional. I am active duty military & stationed here locally in a hometown billet. I fully support this bill & the amendments against any sort of medical passport along with giving us choice over what we put into our body & into our children, especially when it is experimental & no longterm studies have been done. I have read some pretty scary stuff with all of this that they are censoring & to combat any of it, we need to protect our freedoms & what we stand for, just like the flag of Iowa says. Thank you for your time & consideration!

**Name:** Danielle Lin

**Comment:** Freedom of choice is huge! We must never take away Americans right to choose what goes into their bodies. This shot has skipped the rigorous testing process and

been given Emergency Use Authorization. There is much we DO NOT KNOW yet. Protect the health and safety of your constituents by passing HF 889 to BAN vaccine passports. Thank you.

**Name:** Lindsay Maher

**Comment:** AMEND and PASS this legislation. There should be NO exceptions for this bill, so line 3031, MUST be REMOVED! Why does a business, school, or healthcare facility have the right to infringe on ANY individuals constitutionally protected rights to privacy, bodily autonomy, and religious beliefs? What data or science has anyone in public health or in the healthcare field showed us that necessitates having this exception? Additionally we should expand this to include protecting Iowas workforce. In reality we shouldnt need to have these policies as we have a constitution that was very clear, but we have had rights infringed at record levels all in the name of the recent chaos of the pandemic. Take a stand for liberty. Take a stand for the people who elected you into a majority in both chambers that sent a strong message, Iowans want LESS government and for the government to do its primary job of protecting our rights. Other states like Montana and Texas and making bold moves and taking strong steps toward protecting their citizens, all we are asking is for our Republican elected leaders to do the same.

## State v. Nelson

283 Mont. 231 (Mont. 1997) · 941 P.2d 441  
Decided Jun 24, 1997

No. 96-181.

Submitted May 1, 1997.

232 Decided June 24, 1997. \*232

**Appeal from the District Court of Dawson County. Seventh Judicial District. Honorable Dale Cox, Judge.**

For Appellant: **Marvin L. Howe** (argued);  
Simonton, Howe Schneider, Glendive.

For Respondent: **Hon. Joe Mazurek**, Attorney  
General; **John Paulson**, Assistant Attorney  
General (argued), Helena; **Scott W. Herring**,  
Deputy County Attorney, Glendive.

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JUSTICE LEAPHART delivered the Opinion of  
the Court.

James Nelson (Nelson) appeals from the Seventh  
Judicial District Court's order denying his motion  
to quash or to suppress the results of his blood  
alcohol test obtained by means of an investigative  
subpoena. We affirm.

The following facts are not in dispute. On  
December 7, 1994, near Glendive, Montana,  
Nelson was involved in a motor vehicle accident  
234 \*234 on Interstate 94 when he drifted off the  
highway and struck a guardrail. After Nelson  
received a ride from the accident scene to a  
friend's residence, Nelson's friend, Mr. Stroh,  
drove him to the Glendive Medical Center for  
treatment of facial injuries he sustained in the

accident. Emergency room physician Dr. Arthur  
Fink treated Nelson for a broken jaw and,  
concerned over Nelson's apparent lack of pain for  
the injury, ordered a blood test in order to  
determine his blood alcohol concentration level  
(BAC).

The following morning, Nelson reported the  
accident to the Montana Highway Patrol. Highway  
Patrol Sergeant Jerry Mahlum (Sgt. Mahlum), a  
Certified Accident Reconstructionist, conducted  
the investigation of the accident. Sgt. Mahlum  
viewed the scene of the accident, determined the  
extent of damage to the guardrail, spoke with the  
patrolman on duty the night of the accident and  
independently met with Nelson and Dr. Fink.  
During Sgt. Mahlum's interview with Nelson, he  
learned that Nelson had broken his jaw in the  
accident and that it had to be wired shut as a  
result. Nelson told Sgt. Mahlum that prior to the  
accident he had consumed a couple of drinks at a  
local bar and that he had no recollection of the  
accident itself. In addition, Sgt. Mahlum  
determined that Nelson's vehicle had sustained  
extensive left front-end damage, the type of  
damage consistent with striking the guardrail. Sgt.  
Mahlum's findings led him to believe that the  
driver involved in the accident would have either  
fallen asleep at the wheel or would have been  
under the influence of drugs or alcohol.

On December 12, 1994, Sgt. Mahlum met with Dr.  
Fink. During the interview, and without divulging  
Nelson's BAC level, Dr. Fink told Sgt. Mahlum

that Nelson's BAC level the night of the accident would partly explain Nelson's lack of pain normally associated with his type of injuries.

After Sgt. Mahlum compiled the findings of his investigation, Deputy County Attorney Scott Herrin, reviewed Sgt. Mahlum's report and determined that sufficient facts existed to suggest an "unlawful activity had occurred" and, on December 14, 1994, filed a Motion for Investigative Subpoena Duces Tecum with the District Court. Setting forth the facts recited above, the motion requested that the District Court issue an investigative subpoena to the records keeper at the Glendive Medical Center to require disclosure of all medical records pertaining to Nelson's BAC taken December 7, 1994. On December 16, 1994, the District Court found that sufficient facts were present and granted the motion to issue the Investigative Subpoena Duces <sup>235</sup> Tecum. On January 3, 1995, the medical reports on Nelson's blood test from December 7, 1994, were provided to the deputy county attorney showing that, shortly after his accident, Nelson's BAC level was .233.

Nelson was charged by Complaint with the offense of driving under the influence of alcohol, a misdemeanor, in violation of § 61-8-401, MCA. Nelson entered a plea of not guilty in Justice Court. Nelson then filed a motion to suppress evidence which was denied by the Justice Court. Nelson then entered a plea of guilty reserving his right to appeal the denial of the motion to suppress to the District Court.

Nelson then appealed to District Court where he filed a Motion to Quash the Investigative Subpoena or, in the alternative, Motion to Suppress Evidence. After entertaining oral argument on the motion, the District Court denied the motion with no findings of fact or conclusions of law. Thereafter, Nelson entered a plea of not guilty and judgment was entered sentencing him to ten days in the Dawson County jail and a fine of \$500. The sentence was stayed pending appeal to

the Montana Supreme Court. Nelson appealed to this Court and we remanded to the District Court for further proceedings on the question of whether the State had established a compelling state interest justifying the discovery of the BAC test, as required under Article II, Section 10 of the Montana Constitution. Pursuant to this remand order, the District Court conducted a hearing and filed Findings of Fact and Conclusions of Law and Judgment.

The District Court concluded that: (1) a health care provider may disclose health information about a patient without the patient's authorization if the disclosure is made pursuant to § 50-16-530, MCA, which allows for disclosure "to a law enforcement officer about the general physical condition of a patient being treated in a health care facility if the patient was injured on a public roadway or was injured by the possible criminal act of another. . . ." Section 50-16-530(4), MCA. Further, the court recognized that health care information may be disclosed by a health care provider pursuant to § 50-16-535(1)(j), MCA, when "the health care information is requested pursuant to an investigative subpoena issued under 46-4-301."

Section 46-4-301, MCA, provides the authority for the issuance of investigative subpoenas, as follows:

Whenever a prosecutor has a duty to investigate alleged unlawful activity, any justice of the supreme court or district court judge of this state may cause subpoenas to be issued commanding the persons to whom they are directed to appear before the prosecutor <sup>236</sup> and give testimony and produce books, records, papers, documents, and other objects as may be necessary and proper to the investigation. A subpoena may be issued only when it appears upon the affidavit of the prosecutor that the administration of justice requires it to be issued.

In the instant case, the Dawson County Attorney, relying on Sgt. Mahlum's investigation, filed a motion for an investigative subpoena to the Glendive Medical Center for release of reports of Nelson's blood alcohol level relative to the time of the accident. The District Court found that the "administration of justice" required the subpoena be issued. Pursuant to the subpoena, the County Attorney received Nelson's blood alcohol results from the Glendive Medical Center.

## Questions Presented

We phrase the issues on appeal as follows:

1. Did the taking of a blood sample from Nelson violate his constitutional rights to be free from unreasonable searches?
2. Did the information provided to Sgt. Mahlum by Dr. Fink exceed the provisions of § 50-16-530(4), MCA?
3. Did release of the blood alcohol information pursuant to an investigative subpoena violate Nelson's right of privacy under Article II, Section 10 of the Montana Constitution?

## Discussion

We review a district court's denial of a motion to suppress to ascertain whether the court's factual findings are clearly erroneous and whether the findings were correctly applied as a matter of law. *State v. Arthun* (1995), 274 Mont. 82, 906 P.2d 216.

1. Did the taking of a blood sample from Nelson violate his constitutional rights to be free from unreasonable searches?

Nelson contends that, since his blood was drawn at the hospital at a time when law enforcement was not involved, the implied consent law, § 61-8-402(1), MCA, does not apply. He contends, nonetheless, that since the blood was taken by a doctor without first seeking Nelson's consent, that the taking constitutes an illegal search and the

results must be suppressed. He cites *State v. Kirkaldie* (1978), 179 Mont. 283, 587 P.2d 1298, in support of his contention.

In *Kirkaldie*, the investigating officer and the deputy coroner asked the defendant to submit to a blood alcohol test and the defendant refused. The coroner then requested the assistance of the attending physician who testified that he advised <sup>237</sup> Kirkaldie that he did \*<sup>237</sup> not have to give blood but that it was in his best interest that he do so. *Kirkaldie*, 587 P.2d at 1302. Kirkaldie eventually agreed to the drawing of his blood. He then argued on appeal that his consent was the involuntary product of psychological coercion by the State. *Kirkaldie*, 587 P.2d at 1302. We reviewed the voluntariness issue under the "totality of circumstances" test and found substantial evidence to support the trial court's conclusion that the defendant was not coerced into consenting to the test. *Kirkaldie*, 587 P.2d at 1303.

[1,2] The instant case is clearly distinguishable from *Kirkaldie*. Here, in contrast to *Kirkaldie*, there was no State involvement in the taking of the blood sample. The blood was drawn by a doctor at the Glendive Medical Center. The exclusionary rule, which Nelson seeks to invoke, does not apply to evidence resulting from the actions of private individuals unless they are acting as agents of the State. *State v. Christensen* (1990), 244 Mont. 312, 797 P.2d 893; see also *State v. Baker* (1995), 272 Mont. 273, 283, 901 P.2d 54, 60. Here, there is no suggestion or argument that Dr. Fink, in drawing blood from Nelson, was acting at the direction or request of the State. In the absence of any State action or involvement, Nelson's contention that he did not voluntarily consent and that the drawing of his blood constituted an illegal search under the Fourth Amendment to the United States Constitution or Article II, Section 11 of the Montana Constitution, must fail.

2. Did the information provided to Sgt. Mahlum by Dr. Fink exceed the provisions of § 50-16-530(4), MCA?

[3] Nelson contends that Dr. Fink's comments to Sgt. Mahlum about Nelson's BAC were in excess of the parameters of § 50-16-530(4), MCA, which allows a health care provider to disclose the "general physical condition" of a patient to a law enforcement officer if the patient were injured on a public roadway. Although there is no definition of "general physical condition," "general health condition" is defined as the patient's health status described in terms of critical, poor, fair, good, excellent or terms denoting similar conditions. Section 50-16-504(3), MCA. Given this narrow scope of authority, Nelson contends that "the only information that Officer Mahlum should have obtained from Dr. Fink was Nelson's health status." He argues that any information which exceeded the parameters of the general descriptors of critical, poor, fair, good, excellent, etc. must be suppressed.

Nelson's argument ignores the fact that the restrictions imposed by § 50-16-530(4), MCA, are directed not at law enforcement but at health care providers. If, as Nelson's posits, Dr. Fink's gratuitous \*238 comments to Sgt. Mahlum about Nelson's lack of pain exceeded the scope of § 50-16-530(4), MCA, then Nelson's remedy lies with the health care provider, not through a motion to suppress. A motion to suppress must be premised upon illegal conduct by *state* officials. Section 50-16-530(4), MCA, does not provide a basis for suppressing evidence and, thus, the District Court did not error in denying Nelson's motion in that regard.

3. Did release of the blood alcohol information pursuant to an investigative subpoena violate Nelson's right of privacy under Article II, Section 10 of the Montana Constitution?

Nelson's next prong of attack is aimed at the fact that the State obtained the results of his BAC test through the use of an investigative subpoena. Since an investigative subpoena involves state

action, this presents a different issue than Dr. Fink's gratuitous statement to Sgt. Mahlum about Nelson's lack of pain.

In the context of this case, the investigative subpoena finds its roots in a series of statutes starting with § 50-16-530(6), MCA, which provides that the health care provider may disclose information pursuant to compulsory process in accordance with § 50-16-535, MCA. Section 50-16-535, MCA provides, in relevant part, as follows:

Health care information may not be disclosed by a health care provider pursuant to compulsory legal process or discovery in any judicial, legislative, or administrative proceeding unless:

...

(c) the patient is a party to the proceeding and has placed his physical or mental condition in issue;

...

(i) a court has determined that particular health care information is subject to compulsory legal process or discovery because the party seeking the information has demonstrated that there is a compelling state interest that outweighs the patient's privacy interest; or

(j) the health care information is requested pursuant to an investigative subpoena issued under 46-4-301.

In the present case, the County Attorney filed a motion for investigative subpoena thereby invoking subsection (j) of § 50-16-535(1), MCA, which provides for release of health care information pursuant to such a subpoena. The motion recited that the "administration of justice" required the issuance of the subpoena. Further, in issuing the order for the subpoena, the court specifically stated that the "administration \*239 of justice" requires that the subpoena be issued.

Thus, it is clear that the court employed the "administration of justice" standard of § 46-4-301, MCA, under subsection (j) and that the compelling state interest test of subsection (i) was not at issue.

Nelson contends that the investigative subpoena for release of his health care information violated his right of privacy under Article II, Section 10 of the Montana Constitution. He points out that § 50-16-535(2), MCA, provides that "[n]othing in this part authorizes the disclosure of health care information by compulsory legal process or discovery in any judicial, legislative, or administrative proceeding where disclosure is otherwise prohibited by law." The question presented is whether Nelson's health care information is protected under the constitutional right of privacy and, if so, what effect does this protected status have on the issuance of investigative subpoenas?

We begin our discussion by reviewing our holdings in *State v. Burns* (1992), 253 Mont. 37, 830 P.2d 1318 and in *State v. Henning* (1993), 258 Mont. 488, 853 P.2d 1223.

In *Burns*, the defendant was charged with deviate sexual conduct. He had provided a list of some fifteen character witnesses. The State, in order to rebut and cross-examine these character witnesses, sought an investigative subpoena to obtain Burns' personnel files from the Catholic Diocese. After conducting an *in camera* review of the records, the district court barred discovery of the records. *Burns*, 830 P.2d at 1319. On appeal, we reiterated the two-part test from *State ex rel. Great Falls Tribune Co. v. Eighth Judicial District Court* (1989), 238 Mont. 310, 318, 777 P.2d 345, 350, for determining whether privacy interests are protected under Article II, Section 10 of the Montana Constitution. *Burns*, 830 P.2d at 1321. The two prongs of that test are as follows:

- 1) Whether the person involved had a subjective or actual expectation of privacy; and,

- 2) Whether society is willing to recognize that expectation as reasonable.

We held in *Burns* that it was apparent that the above test had been satisfied.

When discovery of documents such as personnel records are at issue, privacy rights are undoubtedly at stake. Montana adheres to one of the most stringent protection of its citizens' right to privacy in the country. Mont. Const. Art. II, Sec. 10. Montana's treatment of privacy rights is more strict than that offered by the \*240 Federal Constitution. *Montana Human Rights Division v. City of Billings* (1982), 199 Mont. 434, 439, 649 P.2d 1283, 1286. It is against this constitutional backdrop that we view the case at bar.

*Burns*, 830 P.2d at 1320 (citations omitted).

We affirmed the district court's holding that, under the circumstances of the case, the State could not show a compelling interest to gain access to Burns' personnel files. *Burns*, 830 P.2d at 1322. *But see Montana Human Rights Div.*, 649 P.2d 1283 (granting Commission access to employment records to investigate possible violations of discrimination) and *Great Falls Tribune v. Sheriff* (1989), 238 Mont. 103, 775 P.2d 1267 (holding that the privacy interests of the employee police officers did not exceed the public's right to know).

In *Henning*, the defendant was arrested for DUI and refused a breathalyser test. Instead of submitting to the breathalyser test, he asked the officer to take him to the hospital so that a blood test could be administered at his expense. Accordingly, a blood sample was taken by a registered nurse. The results of the test were obtained by the State pursuant to an investigative subpoena. *Henning*, 853 P.2d at 1226 (Trieweiler, J., concurring). Henning was convicted in justice court and appealed to district court where he filed a motion in limine asking the court to suppress the results of the blood test as being inadmissible. The

district court determined that, pursuant to § 50-16-535(1)(i), MCA, the State had demonstrated a compelling interest which outweighed Henning's privacy interests and therefore the test results were admissible under § 50-16-535(1)(i), MCA. *Henning*, 853 P.2d at 1224. Henning, relying on § 50-16-535, MCA, and not on Article II, Section 10 of the Montana Constitution (Right of Privacy), argued that his medical records were privileged and that the State had not satisfied the statutory "compelling state interest" burden under § 50-16-535(1)(i), MCA. On appeal, we held that § 50-16-535, MCA, pertains to the discovery of health care information but does not control the admissibility of that information as evidence at trial. *Henning*, 853 P.2d at 1225. Since Henning had not challenged the discovery of the test results, we focused on the question of admissibility. We determined that since the blood was drawn with Henning's consent, the result of the blood sample was admissible in evidence. 587 P.2d at 1302. "Once the evidence was discovered, it was no longer privileged information and the State was entitled to move for its admission at trial." *Henning*, 853 P.2d at 1225.

[4] Nelson's appeal differs from Henning's in that Nelson does contend that the medical information was not constitutionally discoverable \*241 under Article II, Section 10 of the Montana Constitution which provides: "The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest."

Nelson's claim of privacy in medical records satisfies the two-part test set forth above in our discussion of *Burns*. That is, Nelson had a subjective or actual expectation of privacy in his medical records and, society is willing to recognize that expectation as reasonable.

As the California Supreme Court stated in interpreting that state's constitutional guarantee of privacy, Article I, Section 1 of the California Constitution:

Legally recognized privacy interests are generally of two classes: (1) interests in precluding the dissemination or misuse of sensitive and confidential information ("informational privacy"); and (2) interests in making intimate personal decisions or conducting personal activities without observation, intrusion, or interference ("autonomy privacy").

*Hill v. National Collegiate Athletic Ass'n* (1994), 7 Cal.4th 1, 26 Cal.Rptr.2d 834, 856, 865 P.2d 633, 654.

We agree with the California court that informational privacy is a core value furthered by state constitutional guarantees of privacy and that the zone of privacy created by those provisions extends to the details of a patient's medical and psychiatric history. *Cutter v. Brownbridge* (1986), 183 Cal.App.3d 836, 228 Cal.Rptr. 545, 549. In *Cutter*, the California court explained:

[T]he right to control circulation of personal information is fundamental. This right reaches beyond the interests protected by the common law right of privacy, and may be protected from infringement by either the state or by any individual. The "zones of privacy" created by article 1, section 1, extend to the details of one's medical history. And, an "individual's right to privacy encompasses not only the state of his mind, but also his viscera, detailed complaints of physical ills, and their emotional overtones."

*Cutter*, 228 Cal.Rptr. at 549 (citations omitted). See also *Dr. K v. State Bd. of Physician Quality Assur.* (Md. Ct. Spec. App. 1993), 98 Md. App. 103, 632 A.2d 453, 457 (holding that every citizen has a constitutional right of privacy in his or her medical records).

[5,6] Although medical records have not been historically protected by the Fourth Amendment's prohibition against unreasonable searches and

seizures, *see Whalen v. Roe* (1977), 429 U.S. 589, 604 n. 32, 97 S.Ct. 869, 878 n. 32, 51 L.Ed.2d 64, 242 76 n. 32, Montana's \*242 separate constitutional guarantee of privacy expands the breadth of privacy beyond traditional search and seizure principles derived from the Fourth Amendment and Article II, Section 11 of the Montana Constitution. *See State v. Siegal* (1997), [ 281 Mont. 250], 934 P.2d 176, 191, and *State v. Bullock* (1995), 272 Mont. 361, 384, 901 P.2d 61, 72 (both decisions holding that Montana's constitutional right of privacy is broader than the right of privacy under the Federal Constitution). We now hold that Article II, Section 10's guarantee of privacy encompasses not only "autonomy privacy" but confidential "informational privacy" as well.

[7] We hold further that, if the right of informational privacy is to have any meaning it must, at a minimum, encompass the sanctity of one's medical records. In contrast to telephone company billing records, for which there is no reasonable expectation of privacy, *Hastetter v. Behan* (1982), 196 Mont. 280, 283, 639 P.2d 510, 511, medical records fall within the zone of privacy protected by Article II, Section 10 of the Montana Constitution. As the Montana Legislature has recognized, "health care information is personal and sensitive information that if improperly used or released may do significant harm to a patient's interests in privacy and health care or other interests." Section 50-16-502(1), MCA. Medical records are quintessentially "private" and deserve the utmost constitutional protection.

[8] Nelson's medical records were discovered via an investigative subpoena under § 46-4-301, MCA. This statute allows an investigative subpoena to be issued if the *administration of justice* so requires. Although the administration of justice threshold had not been defined, it is safe to conclude that it is considerably less exacting than the "compelling state interest" test demanded by Article II, Section 10's guarantee of privacy. *State*

*v. Baldwin* (1990), 242 Mont. 176, 182, 789 P.2d 1215, 1220 (the prerequisites for obtaining a search warrant are more stringent than those for acquiring an investigative subpoena). We hold that, as applied to the discovery of constitutionally protected materials such as medical records, the "administration of justice" standard is unconstitutional. Medical records may be discovered through an investigative subpoena only upon a showing of a compelling state interest under Article II, Section 10 of the Montana Constitution. Since this is an issue of first impression in Montana, we must define a test for determining whether a compelling state interest exists.

We note that under similar circumstances, a Pennsylvania court employed a probable cause 243 standard. In *Commonwealth of Pennsylvania v. Moore* (1993), 430 Pa. Super. 575, 635 A.2d 625, the police sought a subpoena for defendant's medical records. Based upon observations and information given by witnesses to the fatal accident, police were aware that the defendant had been involved in a serious accident in which his vehicle had crossed into the lane for oncoming traffic and that alcohol had been detected on his breath. "This constituted probable cause to believe that a criminal offense had been committed." *Moore*, 635 A.2d at 627. The court concluded:

Under these circumstances, we conclude, as did the trial court, that the police use of a subpoena to compel the production of appellant's medical records for the preliminary hearing did not violate any constitutionally protected right of privacy which appellant possessed in his medical records.

*Moore*, 635 A.2d at 627 (citation omitted).

[9,10] As we set forth above, Article II, Section 10 of the Montana Constitution expands the breadth of privacy beyond that recognized under Article II, Section 11 of the Montana Constitution. In requiring a "compelling state interest" it does not,

however, establish a new or heightened level of protection for any particular privacy interest. The home, for example, has always been afforded protection under Article II, Section 11 of the Montana Constitution and the Fourth Amendment to the United States Constitution. Although the home likewise comes under the privacy protection of Article II, Section 10, it does not, by virtue of Article II, Section 10 have any "more" protection than it had under Article II, Section 11. Rather, Article II, Section 10 is broader in the sense that it encompasses information and activities in addition to places and persons. Nonetheless, privacy rights, whether under Article II, Section 11 of the Montana Constitution or under Article II, Section 10 of the Montana Constitution are not absolute. *State v. Pastos* (1994), 269 Mont. 43, 47, 887 P.2d 199, 202. They must yield to the State's interest in conducting reasonable searches upon a showing of probable cause.

[11] When an investigative subpoena seeks discovery of protected medical records or information, the subpoena can be likened to a search warrant which must satisfy the strictures of the Fourth Amendment and Article II, Section 11 of the Montana Constitution. A search warrant can only issue upon a showing of "probable cause." In the context of search and seizure law, probable cause exists when facts and circumstances presented to a magistrate would warrant an honest belief in the mind of a reasonable and prudent person that an offense has been, or is being, committed and that property (or information) <sup>244</sup> sought exists at the place designated. Section 46-5-221, MCA; *Siegel*, 934 P.2d at 193. We hold that in order to establish that there is a compelling state interest for the issuance of an investigative subpoena for the discovery of medical records, the State must show probable cause to believe that an offense has been committed and medical information relative to the commission of that offense is in the possession of the person or institution to whom the subpoena is directed.

[12] We turn then to the question of whether, under the facts in this case, there was probable cause to believe that an offense had been committed and that Nelson's medical records contained evidence of the offense. The motion for investigative subpoena was based upon Sgt. Mahlum's report that Nelson was involved in an unreported automobile accident in which Nelson's vehicle was traveling west, drifted left and struck a guardrail and Nelson received injuries; that a Mr. Stroh transported Nelson to the Glendive Medical Center where Nelson received emergency room treatment; and that when interviewed by Sgt. Mahlum, Nelson indicated that he had consumed a couple of drinks prior to the accident. Even if we disregard Dr. Fink's thinly veiled comment to Sgt. Mahlum as to the reason for Nelson's lack of pain, the balance of the information known to law enforcement was sufficient to establish probable cause. That is, that Nelson had consumed a couple of drinks before the accident; that the road was bare and dry; that he ran into a guardrail; that he suffered a broken jaw; and that he had received medical treatment at the Glendive Medical Center.

We reiterate our holding as follows: Medical records and medical information are protected under Article II, Section 10's guarantee of privacy. When an investigative subpoena seeks discovery of medical records, the subpoena can issue only upon a showing of a compelling state interest. In order to establish the existence of a compelling state interest to justify the issuance of an investigative subpoena, the State must demonstrate "probable cause" just as it would if it were seeking issuance of a search warrant under Article II, Section 11 of the Montana Constitution and the Fourth Amendment to the United States Constitution.

The order denying the motion to quash the investigative subpoena, or in the alternative to suppress the evidence is affirmed.

CHIEF JUSTICE TURNAGE, JUSTICES GRAY,  
TRIEWEILER, REGNIER, NELSON and HUNT  
concur. \*245

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