

Dept. of Justice: AG Kaul joins multistate lawsuit challenging the Kennedy vaccine schedule and unlawful overhaul of federal childhood immunization policy

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MADISON, Wis. – Attorney General Josh Kaul is joining a coalition in filing a [lawsuit](#) challenging the Trump Administration’s overhaul of the nation’s childhood immunization schedule. The complaint names Health and Human Services (HHS) Secretary Robert F. Kennedy, Jr., Acting Centers for Disease Control and Prevention (CDC) Director Jay Bhattacharya, and the CDC and HHS as defendants.

The lawsuit challenges a January 5, 2026 CDC “Decision Memo” that stripped seven childhood vaccines—those protecting against rotavirus, meningococcal disease, hepatitis A, hepatitis B, influenza, COVID-19, and respiratory syncytial virus (RSV)—of their universally recommended status. The complaint also challenges the unlawful replacement of the Advisory Committee on Immunization Practices (ACIP), the expert federal panel that has guided U.S. vaccine policy for decades.

“Removing these vaccines from the childhood immunization schedule is dangerous,” said AG Kaul. “Vaccines save lives.”

According to the 2024 CDC Morbidity and Mortality Weekly Report, researchers have estimated that among children born in the U.S. between 1994 and 2023, routine childhood vaccinations prevented approximately 508 million cases of illness, 32 million hospitalizations, and over 1.1 million deaths, generating \$2.7 trillion in societal savings.

This remarkable achievement has been made possible in large part by leading medical scholars and public health experts who have served on ACIP and established the science-based childhood vaccination schedule that federal agencies, states, and parents have confidently relied on for decades.

Lower vaccination rates can lead to higher rates of infectious disease. For Wisconsin and other states, this means a greater strain on their Medicaid programs and more money spent combatting misinformation.

Wisconsin's Department of Health Services has expended substantial resources responding to confirmed cases of measles in 2025 and 2026. This includes identifying and notifying people who may have been exposed to the measles virus, providing information about potential exposure locations in public settings, and issuing health alerts.

In total, 36 confirmed cases of measles were reported in Wisconsin in the second half of 2025, all contracted by unvaccinated individuals. Responding to even a single confirmed case can require identification and notification of thousands of potentially-exposed individuals. If the Kennedy Schedule remains in effect and Defendants' actions continue to cause vaccine hesitancy, Wisconsin's Department of Health Services will have to divert additional resources to monitor for, detect, and respond to outbreaks of vaccine-preventable illnesses.

In June 2025, Secretary Kennedy abruptly fired all seventeen ACIP voting members and replaced them with individuals who lack the scientific qualifications required by ACIP's own charter and the Federal Advisory Committee Act (FACA). At least nine of the thirteen current ACIP members lack the expertise or professional qualifications required for the role, and a majority have publicly expressed views aligned with Secretary Kennedy's well-documented opposition to vaccines.

In December 2025, the reconstituted ACIP reversed nearly thirty years of CDC policy by eliminating the recommendation for a universal hepatitis B birth dose—a vaccine that is up to 90 percent effective in preventing perinatal infection when administered within 24 hours of birth. Shortly thereafter, the CDC expanded its ideological attack on routine childhood vaccines. On January 5, 2026, then-Acting CDC Director Jim O'Neill—who has no medical or scientific background—signed off on a "Decision Memo" that demoted seven vaccines from the universally recommended childhood vaccination schedule to a lesser status that invites confusion and uncertainty. The Decision Memo was not based on any new scientific

evidence, any recommendation by a lawfully constituted ACIP, or any systematic review of the available data.

Contrary to Secretary Kennedy's misinformation and insinuation, vaccines previously recommended on the CDC's pre-Kennedy childhood immunization schedule remain safe and effective, and they are critical for protecting America's children and public health at large.

The coalition is asking the court to declare the changes to the vaccine schedule and the new appointments to ACIP unlawful, and to enjoin, vacate, and set aside both the new immunization schedule and the unlawful appointments.

Joining AG Kaul in filing the lawsuit are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, and the Governor of Pennsylvania.