

NEWS BRIEF

Provided by: Wallace Welch & Willingham

Multiple States File Suit Against Vaccination and Testing Mandate

As of Friday, Nov. 5, 2021, at least a dozen states have filed lawsuits against the newly announced [COVID-19 vaccination and testing mandate](#). Some states have filed jointly, while others filed individually.

The mandate compels private employers with at least 100 workers to require COVID-19 vaccinations or accept negative tests from unvaccinated employees each week.

A lawsuit filed Friday by 11 states alleges that only individual states—not the federal government—have the authority to require vaccinations. The states included in that lawsuit are Missouri, Arizona, Montana, Nebraska, Arkansas, Iowa, North Dakota, South Dakota, Alaska, New Hampshire and Wyoming.

.....

“The administration clearly has the authority to protect workers, and actions announced by the president are designed to save lives and stop spread of COVID-19.”

- *Karine Jean-Pierre, a spokesperson for the White House*

.....

Other states that have issued their own lawsuits include Ohio, Kentucky, Tennessee, Louisiana, Indiana, Mississippi and Texas.

One of the state attorneys general filing suit said doing so was necessary to “protect personal freedoms.”

The White House and its health officials have repeatedly said mass vaccination is the only way to effectively end the COVID-19 pandemic and save lives.

What’s Next?

It’s unclear where this lawsuit will ultimately lead. The Occupational Safety and Health Administration (OSHA), which enforces the new mandate, says there is legal precedent for its rule which preempts state laws.

As such, the lawsuit may be dismissed. Or, if a judge disagrees with OSHA’s position, a court battle may continue for an indeterminate length.

Despite this, applicable employers should still plan on complying with most of the vaccination and testing mandate provisions by the **Dec. 6, 2021**, deadline. Even amid legal challenges, noncompliance with the mandate may result in hefty penalties.

Read more about the new rule and employer obligations on the [OSHA website](#).



**WALLACE WELCH
& WILLINGHAM**

INSURANCE & RISK MANAGEMENT SINCE 1925