

Supreme Court Fight Looms for U.S. COVID-19 Vaccine Mandate



The U.S. Supreme Court will hear oral arguments challenging the Biden administration's COVID-19 vaccine mandates for businesses with at least 100 workers and health care workers on 7 January. This follows a recent ruling by the 6th U.S. Circuit Court of Appeals in Cincinnati, which lifted an injunction that blocked the Occupational Safety and Health Administration (OSHA) rule requiring compulsory vaccinations for businesses with at least 100 workers.

President Joe Biden announced regulations to increase the adult vaccination rate nationwide to counter the pandemic. Since COVID vaccines are available to every individual age 12 and older, the administration has taken steps to vaccinate the public. Vaccinations are required for all federal employees and contractors since July. OSHA, with its authority to issue emergency rules on workplace safety, mandated on 5 November 2021 full vaccinations by 4 January 2022 or conduct weekly COVID-19 testing and wear a mask. Faced with immediate legal challenges to the ruling, on 6 November, the 5th U.S. Court of Appeals issued a nationwide, temporary 'stay' to evaluate the challenges in court. In addition, it determined that there was 'cause to believe there are grave statutory and constitutional issues' with the vaccine mandate rule. Challenges were consolidated, and on 17 December 2021 in a two vs three split, the 6th Circuit ruled in favour of OSHA, lifting the prior stay to allow the mandate starting on 10 January 2022.

The other vaccine mandate originates from the Centers for Medicare & Medicaid Services (CMS) issued on 4 November 2021, which applies to healthcare workers. Preliminary injunctions by U.S. District Court for the Eastern District of Missouri and the U.S. District Court for the Western District of Louisiana suspended implementation of the healthcare worker mandate.

Challengers have now petitioned the U.S. Supreme Court to block the OSHA and CMS vaccination mandates. These challenges include over half the states and coalitions of business and religious groups. The challenges concern the federal executive authority to enact vaccine mandates.

Sources: [The White House](#); [U.S. Court of Appeals for the 5th Circuit Court](#); [U.S. Court of Appeals for the 6th Circuit Court](#); [U.S. Court of Appeals for the 8th Circuit Court](#); [The New York Times](#)

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