



Appeals court stays Biden vaccine mandate for businesses

BY LEXI LONAS - 11/06/21 02:38 PM EDT

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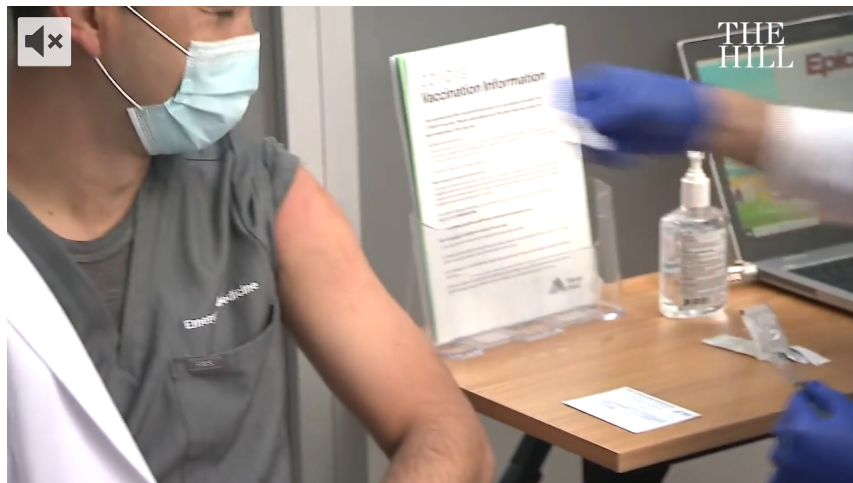
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An appeals court ruled on Saturday to temporarily halt [President Biden's](#) coronavirus vaccine mandate for businesses with 100 employees or more.

The ruling came from the U.S. Court of Appeals for the Fifth Circuit after Texas Attorney General [Ken Paxton](#) (R) [filed](#) a challenge to the mandate requiring employers with over 100 or more employees to get vaccinated or undergo frequent testing directly with the court.

The challenge included the states of Louisiana, Mississippi, Utah and South Carolina.

The Biden administration announced that it would issue the law through the Occupational Safety and Health Administration (OSHA) in September. Companies who meet the criteria are required to get their employees fully vaccinated by Jan. 4, or workers must test negative for the virus once per week.

OSHA's rule includes sending agents to inspect businesses to determine if they are abiding by the mandate. If a business is found to not be in compliance, a company could be fined \$136,532.

Paxton argued in the announcement of Texas's challenge that the mandate goes outside of OSHA's "limited power and specific responsibilities" and is "flatly unconstitutional."

The appeals court ruled there are "grave statutory and constitutional" with the OSHA rule.

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Paxton took to Twitter Saturday to celebrate the ruling by the court.

"Yesterday, I sued the Biden Admin over its unlawful OSHA vax mandate," Paxton tweeted.

"WE WON. Just this morning, citing 'grave statutory and constitutional issues,' the 5th Circuit stayed the mandate. The fight is not over and I will never stop resisting this Admin's unconstitutional overreach!" he added.

Louisiana Attorney General Jeff Landry (R) also celebrated the appeals court's decision.

"BREAKING: In a major win for liberty, the 5th Circuit U.S. Court of Appeals just halted Biden's mandate on businesses with 100 or more workers. This is a stay. We will continue to see this case through. The gov't should not force, or coerce, medical procedures. [#lalege](#) [#lagov](#)," Landry tweeted.

Paxton's legal challenge followed at least [26 states](#) that came out against the administration's vaccine mandate.

Several coalitions of states filed four challenges to OSHA's rule.

The states alleged the Biden administration does not have the authority to issue the public health order and argue it will lead to staffing shortages and economic blowback.

"Its unlawful mandate will cause injuries and hardship to working families, inflict economic disruption and staffing shortages on the States and private employers, and impose even greater strains on struggling labor markets and supply chains," a filing from a coalition of attorneys general led by Missouri Attorney General Eric Schmittthe alleged.

The White House referred The Hill to the Labor Department when asked for comment.

The Labor Department was not immediately available for comment

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The Biden administration initially announced the rule after several major pushes by the federal government to convince the public to get the jab on their own. President Biden himself made several appeals to Americans, but did not issue a wide-reaching mandate at first.

The Labor Department rule was announced during a surge of the highly contagious delta variant.

Updated 5:21 p.m.

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