



Written by [C. Mitchell Shaw](#) on September 16, 2021

Amid Nationwide Pushback Against Vaccine and Mask Mandates, Arizona Sues Over Biden Mandate

As the Biden administration digs in to push forward with a mandate to force all companies with more than 100 employees to require vaccinations for their employees, some companies are pushing back. And one state is suing the administration over the vaccine mandate. On Tuesday, the State of Arizona filed a federal lawsuit arguing that the administration's mandate is unconstitutional and exceeds the executive authority of the White House.

Arizona Attorney General Mark Brnovich released a statement saying in part, "The federal government cannot force people to get the COVID-19 vaccine. The Biden administration is once again flouting our laws and precedents to push their radical agenda."



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And while Arizona is the first state to file a federal lawsuit, others — including employees, companies, and some states — are pushing back at the state and federal levels. Other state lawsuits against the Biden administration are likely to follow Arizona's lead.

Florida — where Republican Governor Ron DeSantis signed a bill into law earlier this year banning vaccine passports — will begin issuing \$5,000 fines to businesses, schools and government agencies that require people to show proof of having received a vaccine for COVID-19. Those fines go into effect September 16. The first paragraph of the statute states:

A business entity, as defined in s. 768.38 to include any business operating in this state, may not require patrons or customers to provide any documentation certifying COVID-19 vaccination or postinfection recovery to gain access to, entry upon, or service from the business operations in this state.

The second paragraph addresses government entities, stating:

A governmental entity as defined in s. 768.38 may not require persons to provide any documentation certifying COVID-19 vaccination or postinfection recovery to gain access to, entry upon, or service from the governmental entity's operations in this state.

Schools are covered in the third paragraph, which states:

An educational institution as defined in s. 768.38 may not require students or residents to



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provide any documentation certifying COVID-19 vaccination or postinfection recovery for attendance or enrollment, or to gain access to, entry upon, or service from such educational institution in this state.

The penalty for violating the statute by requiring proof of vaccination against COVID is “a fine not to exceed \$5,000 per violation.a fine not to exceed \$5,000 per violation,” according to paragraph 4 of the statute.

On Wednesday, one day before the fines were set to go into effect, DeSantis spokesperson Taryn Fenske pointed out that this is what DeSantis promised, saying, “Promises made, promises kept.”

While Florida is pressing the issue by state law, other states are seeing a different type of mandate resistance.

In Washington State, government employees filed suit this week against Democrat Governor Jay Inslee, who just this week avoided being recalled by voters in his state. The *Seattle Times* reported, “The lawsuit, filed Friday in Walla Walla County Superior Court, lists more than 90 individual plaintiffs.” And, “They include 53 State Patrol employees, a dozen Department of Corrections workers, plus firefighters, health care and ferry system workers.”

Earlier this week, six Los Angeles Police Department employees filed a lawsuit against the city over its vaccine and mask mandate, claiming it violates the constitution and their right to privacy and due proicess. As CBS News reports, “The suit alleges the vaccine mandate ignores studies about COVID-19 immunity from antibodies and that the city does not provide a way for people who have recovered from COVID-19 to show antibody test results.” And, “According to court documents, several of the employees involved in the suit have antibodies, which indicate they may have some level of protection against the virus.”

And back on the East Coast, numerous hospital workers in New York resigned in the face of that state’s vaccine mandate. As a result of those resignations, [one New York hospital announced that it could no longer deliver babies](#). On Monday, 17 medical workers in upstate New York filed a federal lawsuit against the state. The *New York Post* reported that the suit alleges that “the order that all nursing home and hospital workers be vaccinated is unconstitutional.” Also according to that report, “the 17 plaintiffs — most of whom are Catholic — claimed in court papers that they refuse to be inoculated “with the available COVID-19 vaccines, all of which employ aborted fetus cell lines in their testing, development, or production.”

And in Pennsylvania, the State Corrections Officers’ Association filed a lawsuit Monday over Democrat Governor Tom Wolf’s proposed vaccine mandate for state employees. The Pennsylvania State Corrections Officers’ Association says the mandate does not apply to inmates, outside contractors or visitors. The organization calls Wolf’s policies “inconsistent” and says those policies have “made work conditions dangerous for [its] members.”

And a group of students in Nebraska filed a lawsuit Tuesday against Creighton University for imposing a vaccine mandate on those attending the college.

As these and others push back against mask and vaccine mandates at the city, county, state, and federal levels, [a recent poll from the Trafalgar Group](#) found that 58.6 percent of Americans do not believe President Biden has the authority under the Constitution to force a mandate for private businesses. Furthermore, nearly half of those polled (46.3 percent) “support the efforts of governors to oppose



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Biden's nationwide vaccine mandate on private businesses." And a whopping 55.5 percent of those polled believe Biden's mandate sets a dangerous precedent "that could be abused by future presidents on other issues."

Taken in tandem, the swelling pushback against vaccine and mask mandates around the country and the Trafalgar poll likely indicate that Arizona will not be the only state to sue the Biden administration over the vaccine mandate; Others will likely soon follow.



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