

Lawyers say NYC's lifted vaccine mandate for athletes, performers poses legal liability

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Jim Sullivan was quoted in *City & State New York* discussing New York City's Mayor Eric Adams lifting the COVID-19 vaccine mandate for performers and athletes while keeping it in place for all other private and public employees. He explained that states and localities have been allowed to exercise their "police powers" in mandating vaccines, according to two Supreme Court rulings that found smallpox vaccine requirements were not in violation of the 14th Amendment, which guarantees due process and equal protection. Adams' decision appears to defy this precedent, he said. "You can't exercise these police powers as a state in an arbitrary or unreasonable manner, because the 14th Amendment gives individuals the ability to challenge things on equal protection claims or substantive due process claims," he told *City & State*, explaining that a city school teacher who was fired for refusing to be vaccinated, for example, could argue that the rule is not being equally enforced when the same "restriction has not been imposed on a city resident who happens to be a performer or an athlete, he said. "So it seems to be a bit arbitrary doesn't it?"

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