

Vaccine Mandates by State: Who is, Who isn't, and How?

WORKFORCE | AUGUST 20, 2021 | BY DEE PEKRUHN

LeadingAge has started to track the vaccine mandate trends in each state; as of today's date, we find that 24 states have vaccine mandates; 9 states (so far) have vaccine mandate bans. Twenty-one of the states with mandates have language specific to healthcare settings or long term care. Some states' mandates are strictly 'vaccinate or terminate;' others have a 'vaccinate or weekly testing' dichotomy. This article will be subject to change and updated as there are new developments.

***Updated: Tuesday, October 5, 2021**

So far, there are **25** states that require vaccination for employees of various categories. Of those, **twenty-one** specify requirements for healthcare workers, and the majority of those states require vaccination or regular testing of unvaccinated employees. **Six** states have taken a "vaccinate or terminate" approach, only permitting healthcare workers to be unvaccinated if they have a valid religion or medical exemption as defined for by the EEOC. **Nine** states have passed laws that ban employers from mandating vaccines for workers; three more states are expected to enact such bans in the near future.

Two states (Louisiana and Michigan) are rumored to be working on vaccine mandates for state workers, but these mandates have not yet materialized. Additionally, we are now following states that have stated plans to pursue legal action against the Biden Administration's [Path Out of the Pandemic](#) Plan. So far, these states include [Missouri](#), [Nebraska](#), [South Carolina](#), [South Dakota](#) and [Wyoming](#). We will continue to update this information as the situation evolves.

Below, we break down, by type and [by](#) requirement specification, which states have put forth mandates or bans and under what circumstances. Also, we highlight some interesting caveats that states have put forth within their mandate or ban. Hyperlinks are included for reference and further reading. As this is subject to rapid change, information written below is valid as of today's posting date: **October 5, 2021**.

Worker Specification Key:

**Denotes that the mandate applies to state health care employees or facilities ONLY.*

^Denotes that the mandate applies to long term care/ nursing homes ONLY.

#Denotes that the mandate applies to ALL high risk and/or congregate living settings

+Denotes that the mandate applies to ALL healthcare settings.

States that mandate for health care workers, "vaccination or termination"

- [Colorado](#)+#: By October 31 2021
- [Maine](#)+: By October 1 2021
- [New York](#)+: By September 27 2021
- [Oregon](#)*: By October 18
- [Rhode Island](#)+: By October 1 2021
- [Washington](#)^: By October 4 2021

States that mandate for health care workers, "vaccination or testing"

- [California](#)+#: By September 30 2021
- [District of Columbia](#)+: September 30 2021
- [Delaware](#)+: By September 30 2021
- [Kentucky](#)*: By October 1 2021
- [Massachusetts](#)^: By October 10 2021
- [Mississippi](#)^: By September 30 2021
- [Nevada](#)*: By August 15 2021
- [New Jersey](#)#: By September 7 2021
- New Mexico+: By August 2 2021
- [North Carolina](#)*: By September 30 2021
- [Pennsylvania](#)+#: By September 7 2021
- [Vermont](#)*: By TBD.
- [Wisconsin](#)*: By TBD

States that mandate for health care workers, "vaccination or testing *and* masking"

- [Connecticut](#)^: By September 7 2021
- [Illinois](#)*: By October 4 2021
- [Maryland](#)*: By September 1 2021

Nine States that *ban* vaccine mandates for employees:

- [Arizona](#): Ban applies to all employers except healthcare. Healthcare institutions are permitted – *but not mandated* – to require vaccinations. However, they must provide “reasonable accommodation” for any who are unvaccinated.
- [Arkansas](#)*: Ban scope is only state entities; does not address private sector employers.
- [Georgia](#)*: Ban scope is only state entities; does not address private sector employers.
- [Indiana](#)*: Ban scope is only state entities; does not address private sector employers.
- [Montana](#): Ban applies to all employers except healthcare. Healthcare institutions are permitted to ask employees to voluntarily share their status, and may assume that anyone who does not share their status is unvaccinated. However, they must provide “reasonable accommodation” for any who are unvaccinated.
- [New Hampshire](#)*: Generally bans the mandate of vaccines as condition of employment unless a “direct threat” exists (see link for definition) that cannot be addressed by other means or reasonable accommodation
- [North Dakota](#)*: Ban scope is only state entities; does not address private sector employers.
- [Tennessee](#)*: Ban scope is only state entities; does not address private sector employers.
- [Utah](#)*: Ban scope is only state entities; does not address private sector employers.

Interesting Caveats:

- Arizona: Requires “reasonable accommodation” for unvaccinated staff in all settings, and bans vaccine passports.
- Connecticut: Employer may not hire unvaccinated staff or volunteers.
- Kentucky: Suggestion, not really a mandate; twice a week testing.
- Montana: General ban, except that healthcare employers are permitted to ask employees to voluntarily share their vaccination status for the purposes of reasonable accommodation only. Also bans vaccine passports.
- New York: Only requires ONE dose by deadline for healthcare workers.
- Oregon: Stipulates that vaccination is by deadline OR six weeks following full FDA approval, whichever date is LATER.

Pennsylvania: All new hires must be vaccinated prior to starting to work

Source: <https://leadingage.org/workforce/vaccine-mandates-state-who-who-isnt-and-how>