

Minneapolis and St. Paul to Require Proof of Vaccination or Negative Test for Certain Businesses

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January 14, 2022

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Beginning January 19, 2022, both the City of Minneapolis and City of St Paul, Minnesota, will require businesses where food or drink is sold for indoor onsite consumption to require patrons show proof of a completed vaccination series or a negative COVID-19 test obtained within three days (72 hours) prior to entry. Additionally, the requirements will go into effect on January 26, 2022, for ticketed events that sell or serve food or drink for indoor onsite consumption.

The St. Paul order, [Executive Order 2022-4](#) (amended by Executive Order 2022-5), applies only to places of public accommodations *licensed* by the city. The Minneapolis order, [Emergency Regulation No. 2022-4](#), does not contain such a limitation.

Both orders also mandate all employers of businesses subject to the regulation to comply with Occupational Safety and Health Administration (OSHA) standards 1910.501(e) and (g), which govern employee vaccination status and testing requirements, regardless of the number of employees. However, the day after the cities issued the regulations, the U.S. Supreme Court issued its opinion in *National Federation of Independent Business v. Department of Labor*, No. 21A244 (Jan. 13, 2022). For more information on the Supreme Court's ruling and the OSHA Emergency Temporary Standard, see our article, [U.S. Supreme Court Puts OSHA COVID-19 Vaccine-Or-Test ETS Back on Ice](#).

As a result of the Supreme Court's ruling, on January 13, 2022, the Mayor Melvin Carter of St. Paul issued [Executive Order 2022-5](#), eliminating the requirement employers comply with OSHA standards 1910.501(e) and (g). The City of Minneapolis has not amended its Emergency Regulation to address the recent Supreme Court holding.

Attorneys at Jackson Lewis are monitoring the situation and will provide an update when available.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with state-specific or multistate-compliant plans.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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