



fda fully approves pfizer covid-19 vaccine, removing potential hurdle to mandatory vaccination policies

Jeremy Mittman
MSK Client Alert

August 26, 2021

Employers can breathe a bit easier when considering whether or not to adopt a mandatory vaccination policy to apply to their workforces. On August 23, 2021, the Food and Drug Administration (FDA) granted the Pfizer COVID-19 vaccine full approval, elevating it from its previous Emergency Use Authorization ("EUA") status. As most know by now, the Pfizer vaccine is the first of the three vaccines available in the U.S. to receive this level of clearance.

As we previously discussed, the EEOC and DFEH released guidance in December 2020 that advised that employers could mandate vaccines (subject to exemptions and reasonable accommodations based on religion or disability). However, there was an open question as to whether employees could still argue that such policies were unlawful given *EUA status*, and both agencies (rather unhelpfully) punted on this question, stating that to opine on this aspect of the analysis was outside their jurisdiction.

[View Full Alert](#)

attorneys

Jeremy Mittman

practice areas

labor & employment