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# Appeals Court Upholds CDC's Covid-19 Cruise Travel Guidelines; Battle Expected to Continue

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**Miami, FL, March 25, 2021: Cruise ships at Port of Miami, one of the busiest ports in the United States. By. GETTY IMAGES**

The U.S. 11th Circuit Court of Appeals late Saturday blocked a lower court's ruling that sided with the state of Florida's argument contending that the Centers for Disease Control and Prevention had overstepped its authority by calling for vaccine passports for cruise ship travelers. The battle is sure to continue, however, and therefore Saturday night's CDC victory is seen as temporary.

The three-judge panel's decision, with one of the three judges dissenting, did not include an opinion, though the court said one would be released later.

U.S. District Judge Steven Merryday in Tampa, Fla., [on June 18](#) granted the state's request for a preliminary injunction blocking the CDC from enforcing a conditional-sailing order the federal agency put in place in October. The CDC order created a framework for cruise lines to follow before restarting operations. The framework came with several operational phases that must be completed, among them test sailings — requirements criticized by the cruise industry as overly stringent.

Judge Merryday in his ruling said the state of Florida was likely to prevail in its claim that the CDC overstepped its authority when it issued the conditional sail order. The judge also viewed side-by-side the CDC's shutdown approach compared to other sectors of the leisure travel industry, among them casinos, hotels and sporting arenas — the latter three receiving voluntary recommendations while cruise travel was shut down altogether.

The judge also stated that Covid-19 cases continue to trend down as vaccinations become widely adopted, and he pointed to stringent protocols put in place on cruise ships that further diminish the possibility of outbreaks.

“The availability of vaccines and testing and the comparatively trivial incidence of infection on foreign cruises—all quickly identified and confined—commends optimism about the safe operation of sailing in the United States, which enjoys high rates of vaccination and greatly enhanced, onboard containment mechanisms,” Judge Merryday wrote.