

## **MELICK & PORTER, LLP COVID-19 MEMO:**

Melick & Porter, LLP provides you with the below update regarding the impact of COVID-19 on issues relating to insurance in the United States. The below is not meant to be all-inclusive, but provides an overview as to the trends in the United States. If you have any questions regarding any of the updates below, please do not hesitate to contact us.

### **SUMMARY OF IMPORTANT LEGISLATION AND EMERGENCY ORDERS AND DIRECTIVES:**

Below we provide an overview as to the types of legislative actions that have been occurring, both on a federal and state level:

- In the U.S., [418 million vaccine doses](#) have been administered. In the last week, an average of 1.09 million vaccine doses per day were administered.
- [President Biden](#) announced the Build Back Better Framework which will guide the drafting of legislative language. When enacted, the framework will set the United States on course to meet climate goals, create jobs, and grow the economy.
- A panel of [independent advisors](#) to the FDA recommended the agency issue an emergency use authorization for the Pfizer-BioNTech COVID-19 vaccine in children ages 5 to 11 years old.
- According to a new [Gallup poll](#), 36% of U.S. employees say their employer requires all workers without a medical exemption to be vaccinated against COVID-19.
  - Gallup also noted that 25% of respondents said their employer had not specified a vaccine policy.
- The [American Academy of Physical Medicine and Rehabilitation](#) estimates that 3 million to 10 million Americans may suffer from long COVID.
  - Accessing disability benefits for long COVID has proven a challenge as many who suffer with a wide range of medical conditions after a COVID-19 diagnosis have trouble proving COVID-19 is the cause of their condition.
- Pharmaceutical company, [Merck](#) agreed to allow other drug makers to produce its COVID-19 pill. The move is aimed at helping people in poorer countries get access to the potentially life-saving drug.
- A [common drug](#) used to treat depression, fluvoxamine, has shown promise in the treatment of early COVID-19. The research was published in the [Lancet Global Health](#) journal based off a large clinical trial.

- The research found that treatment among high-risk outpatients with early diagnosed COVID-19 reduced the need for hospitalization.
- [Global numbers](#) of COVID-19 cases and deaths are increasing for the first time in two months as the virus surges across Europe.
- [Students and staff](#) in the majority of Massachusetts schools will need to continue wearing masks for at least two more months. The mandate was extended through at least January 15, 2022 by the Department of Elementary and Secondary Education.
- As Massachusetts's COVID-19 [contact tracing program](#) is set to come to a close at the end of the year, Cambridge and several other communities are joining forces to create their own program.
- Effective May 29, 2021, [Massachusetts](#) lifted all COVID-19 industry restrictions. Face coverings are still required while using public and private transportation as well as in facilities housing vulnerable populations.
  - [Boston's](#) mask mandate for indoor public settings took effect on August 27, 2021.
  - The new mandate does include exemptions for places of worship including churches, temples, and synagogues, though acting Mayor Kim Janey's administration strongly urges faith communities to wear masks indoors.
  - Acting Boston Mayor [Kim Janey's](#) office released a list of COVID-19 precautions for trick-or-treaters and others celebrating Halloween this year including distancing, mask wearing, and hand washing.
- [New Hampshire](#) released Universal Best Practices which replaced all existing "Safer at Home 2.0" business operations guidance put in place in March 2020.
  - [Governor Chris Sununu](#) closed both the State Emergency Operations Center and Joint Information Center on June 30, 2021. Ongoing pandemic operations transitioned to the New Hampshire Department of Health and Human Services.
- [Maine](#) lifted all capacity limits and physical distancing requirements in outdoor and indoor settings, individuals who are not vaccinated are urged to continue wearing face masks.
  - [Governor Janet Mills](#) ended Maine's State of Civil Emergency on June 30, 2021.
  - The [Mills administration](#) announced that the state of Maine will follow CDC updated face covering guidelines. All counties have high levels of community transmission at this time.

- The [Mills administration](#) announced that it will begin enforcement of its COVID-19 vaccination requirement for health care workers on October 29, 2021, providing an additional month for healthcare workers to complete their vaccination protocol.
- As of May 19, 2021, all [Connecticut](#) business sector rules enacted to prevent the spread of COVID-19 have been lifted with the exception of certain mask requirements.
  - Effective August 5, 2021, Connecticut municipal leaders have the option of requiring masks to be worn in indoor public places within their respective towns and cities, regardless of vaccination status.

### **INSURANCE AND COVERAGE RELATED NEWS AND ORDERS/LEGISLATION:**

Below we provide an update as to regulations, news, and litigation specifically related to insurance and potential coverage.

- Cook County [Judge Raymond Mitchell](#) rejected Continental Casualty Company's motion for reconsideration of an earlier August ruling denying a motion to dismiss a business interruption lawsuit filed by JDS Construction Group.
  - The case involves the issue of whether COVID-19 causes physical loss or physical damage. In the motion for reconsideration Continental Casualty cited several decisions asserting courts overwhelmingly found that the presence of the virus does not trigger coverage under a policy requiring direct physical loss or damage to property.

### **BUSINESS AND COMMERCE NEWS AND LEGISLATION RELATED TO COVID-19:**

Below we discuss news regarding the economic impact of COVID-19 and measures being taken to address that.

- The [SBA](#) announced grantee for the Biden-Harris Administration's Community Navigator Pilot Program. The program will provide \$100 million in funding to 51 organizations.
- The [SBA](#) announced the launch of a new Women's Business Center in Rochester, New York which will be operated by the Urban League of Rochester, New York Inc.
- The [IRS](#) reminded employers that they generally will not jeopardize the tax status of their pension plans if they rehire retirees or permit distributions of retirement benefits to current employees who have reached aged 59 ½ or the plan's normal retirement age.
- The [IRS](#) reminded individuals about the continued importance of protecting personal and financial information online.

## **LITIGATION/CIVIL JUSTICE SYSTEM UPDATES AND ORDERS:**

Below we, highlight additional judicial orders and trends related to the COVID-19 pandemic

- As of May 18, 2021, all [New Hampshire](#) courts clerks' offices in all courts and committees' offices are open to the public. Face coverings are not required; though unvaccinated individuals are urged to wear a mask.
- Beginning June 1, 2021, the [Connecticut](#) Judicial Branch resumed summoning jurors to courthouses throughout the state to restart the jury trial process. No person is permitted to enter a Judicial Branch courthouse or facility without a face covering. All Judicial Branch Law Libraries reopened to patrons on June 16, 2021.
- Effective August 16, 2021, members of the public, regardless of vaccination status, must wear an approved face mask while inside a [Maine](#) courthouse or other Judicial Branch facility.
- Effective July 12, 2021, [Massachusetts](#) lifted all capacity limits and restrictions on jury trials. On July 1, 2021, the Supreme Judicial Court passed two orders that rolled back or amended COVID-19 era policies. All participants, regardless of vaccination status, will be required to wear a mask and some proceedings will continue to take place remotely.
- State Guidance on Foreclosure and Eviction proceedings:
  - Connecticut  
<https://portal.ct.gov/Coronavirus/Covid-19-Knowledge-Base/Rent-and-Eviction>
  - Rhode Island  
<https://www.courts.ri.gov/Courts/districtcourt/PDF/21-07.pdf>
  - Massachusetts  
[COVID-19 Eviction Information / Reliance on CDC Federal Moratorium through 06.30.2021](#)
  - New Hampshire  
<https://courts-state-nh-us.libguides.com/evictions>