

## **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., [400 million vaccine doses have](#) been administered. In the last week, an average of 953,230 vaccine doses per day were administered.
- [President Biden](#) urged employers to enact COVID-19 vaccine requirements calling them the “tough medicine” that will help end the pandemic.
- [Pfizer BioNTech](#) asked federal regulators to authorize emergency use of their COVID-19 vaccine for children ages 5 to 11.
- [Johnson & Johnson](#) asked federal regulators to allow booster doses of its COVID-19 vaccine as the U.S. government moves to expand its booster dose campaign.
- [Dr. Ashish Jha](#) has called for officials to institute COVID-19 vaccine mandates for air travel. Dr. Jha explained lack of mandate is becoming an issue with little ability to control what happens on planes.
- Two real-world [studies](#) recently published confirm that immune protection offered by two doses of Pfizer’s COVID-19 vaccine drops off after two months, although protection against severe disease, hospitalization, and death remains strong.
- A [Colorado-based health system](#) announced it will deny organ transplants to patients not vaccinated against COVID-19 in almost all situations citing studies that show these patients are more likely to die if they get COVID-19.
- According to [CDC data](#), just 25% of Americans have received at least one dose of the COVID-19 vaccine while pregnant. The medical establishment has now fully endorsed receiving the vaccine during pregnancy citing no increased risk of miscarriage.
- A [Veteran’s Affairs](#) nurse has been charged with stealing and selling COVID-19 vaccination cards.

- [Health officials](#) are urging Americans to get their flu shots, warning the flu season did not materialize when most of society was shut down last year and could come back this year and strain hospitals in the months ahead.
- 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.
  - Ahead of Monday's [Boston Marathon](#), officials are asking anyone experiencing COVID-19 symptoms to stay home and are strongly encouraging spectators to get tested ahead of traveling to Boston.
- [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.

- Arguments against [COVID-19 vaccine mandates](#) have not swayed judges who have almost all ruled in favor of the employer. Strong legal precedent dating back to the early 20<sup>th</sup> century gives businesses and governments the legal backing to enforce the mandates.
- The development of the COVID-19 vaccines within a year of the virus's emergence forced the [insurance industry](#) to pivot quickly, deploying risk management expertise to develop bespoke wording that provide protection to organizations involved at each stage of vaccine development

## **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 it will hold a virtual fireside chat to discuss entrepreneurship in the Hispanic community.
- SBA Administrator [Isabella Casillas Guzman](#) visited Nashville, Tennessee as part of a national tour highlighting small business recovery and resources available to assist entrepreneurs.
- The [IRS](#) announced that Free File remains available through October 15, 2021 for those taxpayers who still need to file their 2020 tax returns.
- The [IRS](#) reminded tax payers that the last quarter of 2021 is a good time to check withholdings. The tax withholding estimator helps taxpayers determine if they have too much withheld and how to make an adjustment.

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

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

- The [Supreme Court](#) reconvened this week conducting oral arguments in person for the first time in 19 months in a socially distant courtroom.
- 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>