

## **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., [393 million vaccine doses](#) have been administered. In the last week, an average of 725,777 vaccine doses per day were administered.
  - Enough vaccine doses have been administered to fully vaccinate [40.8%](#) of the global population.
- [President Biden](#) received a third dose of the Pfizer-BioNTech COVID-19 vaccine. The president's booster comes just a week after the CDC and FDA approved additional doses for 60 million individuals ages 65 and above, and adults with underlying health conditions.
- The [Biden administration](#) promised historic investments across the arc of the educational system as part of the "Build Back Better" proposal.
- Pharmaceutical company [Merck](#) announced that its experimental COVID-19 medication reduced hospitalizations and death by half in people recently infected. Merck will soon ask health officials to authorize its use.
- The [CDC](#) provided additional evidence that school mask requirements help keep children safe in classrooms, showing lower spikes in pediatric COVID-19 cases and fewer school outbreaks in places that require them.
- A new [survey](#) published by the Kaiser Family Foundation found that more parents were willing to vaccinate their children in mid-September than were willing to do so in July.
- [Rural Americans](#) are dying of COVID-19 at more than twice the rate of their urban counterparts. According to health experts, the divide may widen as access to medical care shrinks for a population that tends to be older, sicker, heavier, poorer, and less vaccinated.
- According to a new [report](#), children may not be able to receive a Pfizer-BioNTech vaccine until November.
- Associate Supreme Court Justice [Brett Kavanaugh](#) tested positive for COVID-19 ahead of the start of the Supreme Court's new term on October 4, 2021.

- [Massachusetts](#) announced it is extending the statewide school mask mandate through at least November 1, 2021.
- Acting Boston Mayor [Kim Janey](#) shared good news that Boston’s rates of COVID-19 infections are declining and vaccination rates among the city workforce are rising.
  - The positivity rate in Boston is 3% and there are no neighborhoods with a positive rate over 8%.
- 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.
- [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 works 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.

- A [three-judge federal appellate panel](#) recently ruled in favor of Acuity Insurance Co. after an Ohio restaurant owner sued the insurer under its commercial property insurance seeking reimbursement for lost income as a result of the statewide COVID-19 shutdowns.
- One in [four](#) companies has instituted a vaccine mandate for U.S. workers, a sharp increase from last month, following President Biden's directive ordering large employers to require shots or weekly testing.

## **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 that supplemental award notifications have begun for eligible applicants this week through the Shuttered Venue Operators Grant (SVOG) program.
- The [SBA](#) issued a statement in response to a Government Accountability Office (GAO) report that found that critical changes to the Paycheck Protection Program (PPP) had the intended effect of increasing loan access for the smallest and minority-owned businesses that were largely left out of earlier funding.
- The [IRS](#) announced that starting October 28, 2021, a new \$67.00 user fee will apply to any estate that requests a closing letter for its federal estate tax return.
- The [IRS](#) announced the selection of seven new members of the Electronic Tax Administration Advisory Committee (ETAAC). The committee's goal is to promote paperless filing of tax and information returns.
- The [U.S. Department of the Treasury's Federal Insurance Office](#) (FIO) released its Annual Report on the insurance industry. Under the Dodd-Frank Wall Street Reform and Consumer Protection act, the FIO must report annually to the President and Congress on the state of the insurance industry.

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

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

- The [Supreme Court's](#) new term begins Monday October 4, 2021, and will resume holding in-person oral arguments. The court will remain closed to the public until further notice.

- 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 proceedings:
  - Connecticut  
<https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-10A.pdf>
  - Rhode Island  
<https://www.courts.ri.gov/Courts/SupremeCourt/SupremeExecOrders/20-12.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>