

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., [445 million vaccine doses](#) have been administered. In the last week, an average of 1.26 million vaccine doses per day were administered.
- The [FDA](#) authorized booster shots of both the Pfizer-BioNTech and Moderna COVID-19 vaccines for everyone 18 and older, opening up eligibility to tens of millions fully vaccinated Americans.
- The [Biden administration](#) will spend billions of dollars to expand manufacturing capacity, with the goal of producing at least one billion additional doses of the COVID-19 vaccine.
- The [Biden administration](#) secured 10 million treatment courses of Pfizer's promising oral antiviral drug.
 - [Pfizer](#) has applied to the FDA to authorize the antiviral drug to treat people with COVID-19 who are at high risk of becoming severely ill.
- A [federal appeals](#) court has kept its block in place against a federal mandate that all large employers require their workers to get vaccinated against COVID-19 or submit to weekly testing starting in January.
 - In a 22-page ruling, a three-judge panel on the 5th U.S. Circuit Court of Appeals in New Orleans held that a group of challengers to the mandate was likely to succeed in its claim that it was unlawful overreach and barred the government from moving forward.
- [Brazil](#) has edged past the U.S. in fully vaccinating its citizens against COVID-19, with over 60% of the Brazilian population fully immunized.
- The [U.S.](#) is facing an alarming COVID-19 spike with average daily cases jumping 35% in recent weeks. The upper Midwest has seen the largest surge in infections.

- A [pharmacy in Virginia](#) was removed from both state and federal COVID-19 vaccination programs after it incorrectly administered the COVID-19 vaccine formulated for adults to children ages 5 to 11 years old.
 - Experts have said that if a child under the age of 12 receives a dose that is more or less than the approved 10 microgram dose it is not expected to cause serious adverse health effects.
- A [large long-term study](#) of the impacts of COVID-19 on children has enrolled its first participant at the National Institutes of Health’s Clinical Center.
 - The study which is supported by the National Institute of Allergy and Infectious Diseases will track up to 1,000 children and young adults who have tested positive for COVID-19 and evaluate the impacts of COVID-19 on their physical and mental health over three years.
- 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.
- [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 or substantial levels of community transmission at this time.
- 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.

- [North American](#) commercial insurance prices are expected to soften gradually, bringing a deceleration in premium rate increases and further stability in 2022 according to Willis Towers Watson's 2022 Insurance Marketplace Realities report.

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](#) encouraged Americans to Shop Small on Small Business Saturday, November 27, 2021 in support of their local businesses and Main Street economies.
- The [IRS](#) issued Notice 2021-63 to make clear how the temporary 100% business deduction for food or beverages from restaurants applies to taxpayers properly applying the rules of Revenue Procedure 2019-48 for using per diem rates.
- The [IRS](#) provided answers regarding Coronavirus State and Local Fiscal Recovery Funds. These funds give eligible state and local governments a substantial infusion of resources to meet pandemic response needs.
 - The answers detail the tax consequences for individual recipients and the reporting requirements for the states and local governments and employers as applicable.
- [The IRS and Department of the Treasury](#) announced more than \$15 billion in payments were made to families as part of the fifth monthly payment of the expanded and advanceable Child Tax Credit.

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>