

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., [343 million vaccine doses](#) have been administered. In the last week, an average of 608,380 vaccine doses per day were administered.
- The [Senate](#) voted to take up a \$1 trillion bipartisan infrastructure bill that would make far-reaching investments in the nation's public works system.
 - The 67-32 vote, included 17 Republicans in favor, came just hours after centrist senators in both parties and the White House reached a long-sought compromise on the bill which would provide \$550 billion in new federal money for roads, bridges, rail transit, water, and other physical infrastructure programs.
- The [Biden administration](#) announced that long COVID-19, a condition where people experience long-term COVID-19 symptoms after clearing the actual virus from their system, could be considered a disability under civil rights laws.
- The [CDC](#) updated its mask guidelines for fully vaccinated individuals given new evidence on the Delta variant currently circulating the U.S.
 - The agency added a new recommendation for fully vaccinated individuals to wear a mask in public indoor settings in areas of [substantial or high transmission](#).
- The [CDC](#) advised that fully vaccinated individuals who get breakthrough infections can carry enough virus to spread to others.
- [Pfizer-BioNTech](#) announced Wednesday that the protection from its two dose COVID-19 vaccine lessens over time, suggesting a third shot may be needed.
 - However, Dr. Ashish Jha read the data differently. Six months out from vaccination, only one of 22,000 individuals had severe illness after infection.
 - Dr. Jha advised that more data is needed regarding the Delta variant, but does not think booster shots are needed just yet.

- COVID-19 cases in the [United Kingdom](#) are plummeting even though they were supposed to soar. The trajectory in the U.K. is being watched as a test of how the Delta variant behaves in a society with high vaccination rates.
- Local [Massachusetts](#) leaders pressured Governor Charlie Baker’s administration to resume reporting age, race, and sex of hospitalized COVID-19 patients as concerns about the impact of the Delta variant heighten.
 - The Vaccine Equity Now coalition, Representative Ayanna Pressley, state Senator Sonia Chang-Diaz, state Senator Becca Rausch, state Representative Mindy Domb, and Somerville Mayor Joseph A. Curtatone voiced concerns that the lack of detailed data could lead to racially disparate impacts of the pandemic going overlooked.
- 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.
- [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 face covering requirement for indoor prek-12 schools and child care facilities also ended on June 30, 2021.
 - The [Mills administration](#) announced that the state of Maine will follow CDC updated face covering guidelines. York and Piscataquis counties have “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.

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.

- The [National Council on Compensation Insurance](#) (NCCI) proposed that any event exceeding \$50 million in losses be excluded from the data used to set rates, including future pandemics.

- Other than certified acts of terrorism, NCCI's catastrophe provision only accounts for single-event losses in excess of \$50 million that were caused by earthquakes, noncertified acts of terrorism, or catastrophic industrial accidents.
- Looking at the effect of the pandemic on future rates, NCCI is treating COVID-19 as a catastrophic event and will exclude pandemic related claims when determining loss costs and rates.

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 the launch of a streamlined application portal to allow borrowers with Paycheck Protection Program (PPP) loans \$150,000 or less through participating lenders to apply for forgiveness directly through the SBA.
- The [SBA](#) announced that the federal government exceeded its small business federal contracting goal, awarding 26.01% or \$145.7 billion in federal contract dollars to small businesses, a \$13 billion increase from the previous fiscal year.
- The [SBA](#) announced the availability of \$300,000 for up to two new grant opportunities for established and aspiring Women's Business Center host organizations.
- The [IRS](#) Security Summit partners called on tax professionals to increase efforts to inform clients about the Identity Protection PIN Opt-In Program that can protect against tax related identity theft.
- The [IRS](#) reported that another 1.5 million taxpayers will receive refunds averaging more than \$1,600.00 as it continues to adjust unemployment compensation from previously filed income tax returns.
- Massachusetts opened all industries with no restrictions on May 29, 2021. Learn more about reopening Massachusetts here: <https://www.mass.gov/info-details/reopening-massachusetts>

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 July 1, 2021, individuals who are fully vaccinated are not required to wear face masks in [Maine](#) Judicial Branch facilities. Any individual who is not vaccinated must wear an approved face mask.
- 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>