

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., [405 million vaccine doses](#) have been administered. In the last week, an average of 835,492 vaccine doses per day were administered.
- [President Biden's](#) order to the Occupational Safety and Health Administration (OSHA) to write rules requiring private companies with 100 or more employees to vaccinate their staff against COVID-19 is likely to take effect once reviewed by the Office of Management and Budget.
 - Led by Texas governor Greg Abbot, some states are already gearing up to challenge the legality of the Biden administration's vaccine mandate before the rules have been published.
- [Vaccine advisers](#) to the FDA unanimously voted to recommend emergency use authorization of a booster dosage of Moderna's COVID-19 vaccine.
 - The FDA's Vaccines and Related Biological Products Advisory Committee agreed use of a booster dose would be safe and effective in some people six months out from their primary vaccine.
 - The Vaccine and Related Biological Products Advisory Committee also unanimously voted to recommend authorization of [Johnson & Johnson's](#) COVID-19 vaccine booster. The panel recommended the booster to everyone 18 and over who's already received the first J&J shot at least two months after the initial dose.
- A [federal judge](#) extended a ban on United Airlines putting employees on unpaid leave for seeking a medical or religious exemption from the airline's requirement to get vaccinated against COVID-19.
 - U.S. District Judge mark Pittman in Fort Worth, Texas granted a restraining order in favor of employees who are suing the airline over the mandate.
- The [United States Navy](#) announced the formation of a COVID Consolidated Disposition Authority to separate sailors who refuse to comply with the mandatory vaccination policy.

- Active duty sailors must receive their final dose of the COVID-19 vaccine by November 14, 2021, and those in the Navy Reserve must receive their final dose by December 14, 2021.
- The U.S. will reopen its [land borders](#) to nonessential on November 8, 2021, ending a 19-month freeze. Vehicle, rail, and ferry travel between the U.S. Canada and Mexico has been largely restricted to essential travel.
 - The new rules will allow vaccinated foreign nationals to enter the U.S. regardless of reason for travel.
- Data from the [American Academy of Pediatrics](#) shows cases among children peaked in September as many schools reopened for in person classes amid the delta variant surge. The data also shows COVID-19 deaths among children under age 15 also reached a peak in September.
- [Amazon](#) announced it will allow many tech and corporate workers to continue working remotely indefinitely as long as they can commute to the office when necessary.
- The deadline for over 40,000 [Massachusetts](#) state workers to comply with the vaccination mandate is Sunday October 17, 2021. Approximately 40% of the state's prison guards are still not in compliance with the mandate.
- 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.
 - Following the [Boston Marathon](#), the Boston Athletic Association reported 93% of runners were fully vaccinated, and almost all others tested negative prior to the race.
- [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.

- The [California Superior Court](#) ruled it could not dismiss a pandemic-related event cancellation suit filed by heavy metal band Metallica against underwriters at Lloyd’s of London, noting the case was still in its preliminary state and a “proximate cause” of the loss has yet to be established.

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 new Women’s Business Center in Tulsa, Oklahoma that will be operated by the U.S. Black Chambers, Inc.
- The [IRS](#) announced awarded over \$41 million in Tax Counseling for the Elderly (TCE) and Volunteer Income Tax Assistance (VITA) grants to organizations that provide free federal tax return preparation.
- The [IRS and Treasury Department](#) announced that millions of American families are not receiving their advance Child Tax Credit (CTC) payment for the month of October.
 - The fourth batch of monthly payments, totaling about \$15 billion, is reaching about 36 million families.

- The [United States Department of the Treasury](#) sent final payments to recipients of funding provided through the Coronavirus Economic Relief for Transportation Services (CERTS). Over 1,400 motor coach, school bus, passenger vessel and pilotage companies.

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>