

## **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., [366 million vaccine doses](#) have been administered. In the last week, an average of 823,355 vaccine doses per day were administered.
- [President Biden](#) met with private sector education leaders to discuss the whole-of-nation effort needed to address cybersecurity threats. Recent cybersecurity threats demonstrate public and private entities face sophisticated malicious cyber activity.
- The [United States Supreme Court](#) blocked the Biden administration's COVID-19 related eviction moratorium. The court said if a federally imposed eviction moratorium is to continue then Congress must specifically authorize it.
- [Pfizer-BioNTech's](#) COVID-19 vaccine received full FDA approval for people ages 16 and older. For those who are ages 12-15 and for those who are immunocompromised and need a booster, the vaccine is still available under an FDA emergency use authorization.
- A new study published in the [British Medical Journal](#) found the risk rare of blood clotting is significantly higher as a result of catching COVID-19 than it is from being vaccinated against the virus.
- [Dr. David Hirschwerk](#), an infectious disease specialist, urged individuals to prepare for flu season, which runs from October to May, by getting their flu vaccine.
  - A record number of people received their flu vaccine during the 2020-2021 season. An estimated 193.8 million doses were distributed.
- A group of approximately 75 [South Florida](#) doctors staged a demonstration on Monday to draw attention to the number of unvaccinated COVID-19 patients flooding their hospitals in Palm Beach County.
  - [Florida](#) is now reporting an average of 227 COVID-19 deaths each day – a state record and by far the highest in the country.

- More than [100,000](#) people in the U.S. are currently hospitalized for COVID-19, the highest number of hospitalizations seen since January.
  - The data also shows that 30% of intensive care unit beds are holding COVID-19 patients.
- [Massachusetts](#) education officials announced they will require all public K-12 students and staff to wear a face covering inside school buildings.
  - In a nearly unanimous vote, Education Commissioner Jeff Riley was given the power to reimpose the mask mandate through at least October 1, 2021.
  - The [Boston Archdiocese](#) announced it will also require all students and staff to wear masks in the 65 schools under direct control of the archdiocese.
- 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 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.
  - The [Mills administration](#) announced that it will require all health care workers to be vaccinated against COVID-19.

- 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.

- An [Illinois court](#) refused to dismiss a COVID-19 business interruption lawsuit. The plaintiffs alleged evidence of physical loss or damage, which is covered under the policy.
  - In the refusal to dismiss the case, the court said that the plaintiffs alleged that the virus caused direct physical loss or damage that is required for coverage under the policy. The court agreed with the plaintiffs that they had sufficiently alleged that the direct physical loss triggered the civil authority coverage within the policy.
- A recent ruling from the [U.S. Court of Appeals for the Third Circuit](#) announced that federal judges must undergo a detailed analysis before declining to exercise jurisdiction over such cases brought under the Declaratory Judgement Act.
  - COVID-19 business interruption claims are more likely to get dismissed in federal court than in state court, according to the [Covid Coverage Litigation Tracker](#), a database kept by the Carey Law School of the University of Pennsylvania.

### **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 a moratorium on the requirement that participants in the SBA's 8(a) Business Development Program must establish a bona fide place of business in a specific geographic area in order to be awarded any construction contract through the 8(a) Program due to the ongoing challenges of COVID-19.
- SBA administrator [Isabella Casillas Guzman](#) met with President Biden and members of his cabinet and national security team to discuss how to improve the nation's cybersecurity infrastructure for its 31 million small businesses.
- The [IRS](#) launched a new feature allowing any family receiving monthly Child Tax Credit payments to quickly and easily update their mailing address using the Child Tax Credit Update Portal.

- The [IRS](#) announced that interest rates will remain the same for the calendar quarter beginning October 1, 2021. For taxpayers other than corporations, the overpayment and underpayment rate is the federal short-term rate plus 3 percentage points.
- 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 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>