



LEGAL COUNSEL

Working Group

June 23, 2020

EXECUTIVE SUMMARY

The Council of Insurance Agents & Brokers' Legal Counsel Working Group convened a virtual meeting to discuss federal and state actions undertaken in response to the novel coronavirus (COVID-19).

The Working Group was attended by over 60 of the insurance brokerage industry's top legal counsels. The virtual meeting was staffed by The Council's General Counsel John Fielding, Chief Legal Officer Scott Sinder, Senior Vice President of Government Affairs Joel Wood, Vice President of Government Affairs Joel Kopperud, and Director of Government Affairs Blaire Bartlett.

FEDERAL UPDATES

As we approach the July 4 recess, Congress looks to be playing a waiting game with respect to the next COVID-19 relief package.

The primary proposal on the table continues to be House Speaker Nancy Pelosi's (D-CA) HEROES Act (i.e., "CARES 2.0"), which passed the House on May 15, 2020. The legislation, however, faces an uphill battle in the Senate, where all signs point to Senate Majority Leader Mitch McConnell (R-KY) putting forth his own competing package that provides state and local aid, bolsters the PPP, and offers liability relief or some sort of safe harbor for businesses that opt to reopen (or were deemed essential under state and local stay-at-home orders). In all of this, there is substantial uncertainty about both the timetable and the cost.

Beyond the next relief package, the Working Group also received updates from Wood, Kopperud, and Bartlett on several current and future federal issues, including:

- The challenges associated with building support for America's Recovery Fund;
- Europe's response to business interruption coverage for COVID-19-related claims;
- The pending hearing on Representative Carolyn Maloney's (D-NY) Pandemic Risk Insurance Act (PRIA);
- The Council's work to stabilize the employer-sponsored market and secure COBRA subsidies; and
- The upcoming legislative calendar (e.g., funding, reauthorization of the National Flood Insurance Program, etc.).

As with all things, the timing surrounding these developments remains relatively uncertain.

STATE UPDATES

As states continue down the path to reopening, state activity continues to slow down. In particular, the Working Group discussed the varying state-level approaches to reopening, specifically with respect to the liability protections. Thus far, 11 states and the District of Columbia have enacted legislation extending liability protections in some manner (i.e., some extend protections to medical professionals, healthcare workers, and first responders; others extend protections to a broad swath of businesses). In most of these states, however, the liability protections apply if the provider or business can demonstrate that it is operating in compliance with the rules and guidance put forth by state and federal agencies.

The Council will continue to monitor this activity, but for regular and recurring updates, please continue to use The Council's [COVID-19 Resource Center](#)—including the legislative trackers on business interruption coverage and workers' compensation, a legislative tracker on enacted civil liability protections, the state premium forbearance tracker, the state insurance regulatory tracker, and the broader regulatory tracker—as a source of the recent and pending developments at the state level.

MEMBER INFORMATION EXCHANGE/OTHER ISSUES

Members also spent time discussing other issues, including:

- Carriers' responses to the expiring grace periods;
- The NAIC schedule; and
- Potential defense costs and other economic impacts associated with COVID-19-related general liability claims.

SEE YOU SOON!

We anticipate the next call will take place on **July 15, 2020** at 12:00 PM EST. If you have any questions in the meantime, please email Gracie Gerlach at gracie.gerlach@ciab.com.