State policy watch: COVID-19

An overview of actions taken by states to combat the coronavirus outbreak

June 4, 2020

Producer
ABA Governmental Affairs Office
Roadmap

- Maps of state action
- State spotlights
- Federal action
Over 25 states currently have both enacted and pending legislation related to COVID-19 response efforts

Status of COVID-19 related state legislation

AS OF JUNE 4, 2020

- Enacted or adopted legislation
- Pending legislation
- (STRIPE) Both pending and enacted/adopted legislation

Sources: National Conference of State Legislatures.

Slide last updated on: June 4, 2020
Many states have started to reopen parts of the state for business

Which states are reopening?

AS OF JUNE 4, 2020

- Reopening
- Regional reopening
- Reopening soon
- Shut down

Ten states did not implement stay-at-home orders until April 1 or later

Slide last updated on: June 4, 2020

As of May 15, 48 states, 4 territories, and DC have closed school buildings for the rest of the academic year

Status of state closures

EDUCATION WEEK, AS OF MAY 15, 2020

- Closed or recommended to close for academic year
- Varies by school district

Source: Education Week

Slide last updated on: May 22, 2020
Executive orders as a result of the COVID-19 outbreak have been issued in all 50 states

State executive orders issued as a result of the coronavirus outbreak

AS OF JUNE 4, 2020

- 10 – 20
- 21 - 30
- 31 - 40
- 41 - 50
- 51 – 60
- 61 or greater 85

Michigan has issued 115 executive orders as result of the coronavirus outbreak

Sources: National Conference of State Legislatures.
Six states have altered their state legislature schedule due to COVID-19

2020 state legislative session calendar

AS OF JUNE 3, 2020

- Organizational session
- Adjourned Sine Die
- Not yet convened
- In special session
- In session
- Adjourned, suspended or postponed related to COVID-19

Sources: National Conference of State Legislatures.
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New York’s COVID-19 response

- On Mar. 2, Gov. Andrew Cuomo (D) directed health insurers to waive costs associated with virus testing and enacted a $40 million emergency management authorization for the COVID-19 response on Mar. 3
- Gov. Cuomo issued an executive order on Mar. 16 increasing hospital capacity, directing nonessential state workers to work from home, and opening drive-through testing facilities
- New York is providing job protection and comprehensive paid leave for those in quarantine and is providing relief for student loan borrowers with NY loan servicers, who do not qualify for CARES Act relief
- On Mar. 20, Gov. Cuomo signed the New York State on Pause executive order, which directs all non-essential businesses to close in-office personnel, bans non-essential gatherings of any size, and establishes a 90-day moratorium on residential or commercial evictions
- The governors of New York, New Jersey, Connecticut, and Pennsylvania established a regional approach to combatting COVID-19
- On April 24, Gov. Cuomo issued an executive order that directs the State Board of Elections to mail every New York resident a postage-paid application for an absentee ballot

Enacted state legislation

**SB 7919**
Expands the definition of disaster in to include disease outbreak and permits the Governor to issue any directive necessary to respond to a disaster emergency; appropriates $40 million for responding to the COVID-19 outbreak

**SB 7506/7508**
Enacts legislation to implement the parts of the state budget for the 2020-2021 state fiscal year, including measures that mitigate the impact of COVID-19 and provide temporary relief to individuals

**SB 8091**
Provides certain employee benefits when an employee is subject to a mandatory or precautionary quarantine or isolation order

Sources: National Conference of State Legislatures; National Governors Association.

Slide last updated on: April 27, 2020
New Jersey’s COVID-19 response

- Gov. Phil Murphy (D) **restricted state-related travel and suspended all international travel** for state employees on Mar. 5
- New Jersey is providing resources for districts to **continue giving eligible students meals**, the provision of which is now required by school districts
- Gov. Murphy amended the **Child Care Subsidy program** to provide flexible enrollment policies and robust payment policy amendments
- DHS **waived childcare and cash assistance programs requirements**, providing an additional $100/month to childcare providers in the subsidy program and extending the WorkFirst NJ cash assistance for 60 days
- New Jersey is providing **$70 million in additional SNAP benefits**
- **Other actions** by Gov. Murphy include: opening drive-thru community-based testing sites, issuing a moratorium on evictions and foreclosures, waiving COVID-19 testing fees, creating job security for potentially infected employees, expanded paid leave benefits, approving a variety of new programs to support businesses and workers facing economic hardship, and issuing an Administrative Order protecting access to hotels and motels for those without safe, permanent housing

Enacted state legislation

**AB 3845**
Authorizes the Economic Development Authority to make grants during emergency declarations and allows the Economic Development Authority to grant extensions for certain business documentation submission deadline

**AB 3843**
Requires coverage for COVID-19 testing and for telemedicine and telehealth provision during the COVID-19 state of emergency

**AB 3854**
Authorizes licensed health care facilities and laboratories to collect COVID-19 specimens for testing and waives staffing ratio requirements

Sources: National Conference of State Legislatures; National Governors Association.

Slide last updated on: April 27, 2020
California’s COVID-19 response

- On Mar. 2, Gov. Gavin Newsom (D) requested $20 million in emergency funding from the state legislature to combat the COVID-19 outbreak and declared a state of emergency on Mar. 4.
- Gov. Newsom issued an executive order waiving the one-week waiting period for filing for unemployment, delaying the deadline for filing state taxes, directing residents to cancel large non-essential gatherings, and allowing legislative bodies to meet via teleconference.
- Utility shutoffs and evictions were halted on Mar. 15 and the following day, Gov. Newsom signed emergency legislation providing $1 billion in funding to combat COVID-19 on March 17, $100 million of which went to providing personal protective equipment.
- On Apr. 3, California received approval from FEMA to launch Project Roomkey, the nation’s first initiative to secure hotel and motel rooms to protect the state’s homeless population.
- The state also provided $42 million to expand health care infrastructure.
- On April 13, Gov. Newsom announced a Western States Pact with Oregon and Washington to create a plan for reopening their economies and controlling coronavirus in the future.

Enacted state legislation

**SB 89**
Appropriates $500 million for purposes related to the COVID-19 Proclamation of Emergency; allows the appropriation to be increased in $50 million increments, not to exceed $1 billion.

**SB 117**
Appropriates $100 million for local education agencies for protective equipment and labor related to cleaning.

Sources: National Conference of State Legislatures; National Governors Association.

Slide last updated on: April 9, 2020
Maryland’s COVID-19 response

• Gov. Larry Hogan (R) requested that $10 million in emergency funding be included in the supplemental budget for COVID-19 on Mar. 3, before there were any confirmed cases in Maryland
• Gov. Hogan declared a state of emergency on Mar. 5 and signed emergency legislation enabling access to rainy-day funds shortly after
• An omnibus health care order was issued on Mar. 16 to increase hospital bed capacity by 6,000, activate the state medical reserve corps, and establish rationing policies for resources
• Utility shutoffs and evictions are prohibited for those who can show that their inability to pay is caused by COVID-19
• The state government has allocated $7 million to a COVID-19 Layoff Aversion Fund and $175 million to assist small businesses and workers
• Other actions taken by Gov. Hogan include: moving to statewide cashless tolling, limiting the use of public transportation to essential workers, required a 14 day quarantine for spring break travelers, and obtained 500,000 tests purchased through a lab in South Korea

Enacted state legislation

**SB 1079**
Allows the transfer of up to $50,000,000 from the Revenue Stabilization Account to fund costs associated with COVID-19

**SB 1080/ HB 1663**
Authorizes the Governor to take certain actions in a state of emergency, including prohibiting cost-sharing by carriers for disease testing and other associated costs, retailers from increasing prices of goods or services by more than 10%, and employers from terminating quarantined or isolated employees

Sources: National Conference of State Legislatures; National Governors Association.

Slide last updated on: April 9, 2020
Texas’s COVID-19 response

- On Mar. 11, Gov. Greg Abbott (R) **requested that insurers and HMOs waive copayments** and other costs associated with testing and telemedicine visits for COVID-19 diagnosis
- Gov. Abbott declared a **state of disaster** on Mar. 13 and subsequently approved the suspension of certain open-meeting statutes, enabling telephone or video meetings of governmental bodies to reduce gatherings
- **14-day quarantines** are mandated for travelers arriving from New York, New Jersey, Connecticut, Louisiana, California, and Washington
- The Texas Education Agency launched a **MealFinder Map** to help parents locate Local Education Agencies serving meals to communities
- The Texas Supreme Court **suspended residential evictions** through Apr. 19
- The Texas Government has **automatically renewed all SNAP and TANF benefits**, waived certain requirements for SNAP applicants, and provided $168 million in emergency SNAP benefits
- On April 17, Gov. Abbott signed an executive order allowing retail stores to open on April 24 using a “Retail-To-Go” model

Enacted state legislation

N/A

Sources: National Conference of State Legislatures; National Governors Association.

Slide last updated on: April 9, 2020
Florida’s COVID-19 response

- Gov. Ron DeSantis (R) declared a **state of emergency** on Mar. 9, allowing the issuance of emergency 30-day prescriptions, the swift purchase of medical supplies, and the creation of field hospitals
- Within a week, Gov. DeSantis activated the **Business Damage Assessment Survey** to determine the damage to Florida’s local businesses and the **Florida Small Business Emergency Bridge Loan Program**, which provides loans to small businesses harmed by COVID-19
- Florida **waived work requirements** for SNAP and TANF benefits
- **All foreclosures and residential evictions** were halted for 45 days beginning Apr. 3; evictions of renters for nonpayment was also blocked
- Gov. DeSantis implemented **Project: VITAL**, which provides those in assisted living facilities and nursing homes with tablets to safely connect them to their loved ones
- **First responders who are exposed to COVID-19** will be eligible for workers compensation

**Enacted state legislation**

**N/A**
Michigan’s COVID-19 response

- On Mar. 3, Gov. Gretchen Whitmer (D) created four task forces to help combat the spread of COVID-19 and assess its impact; Gov. Whitmer declared a state of emergency one week later.
- Gov. Whitmer signed an executive order imposing enhanced restrictions on price gouging on Mar. 15.
- Tenants and mobile homeowners in Michigan who are unable to pay rent can remain in their homes during the pandemic and postpone eviction-related proceedings.
- The Michigan Economic Development Corporation is providing $20 million in support for small businesses.
- Gov. Whitmer issued an executive order prohibiting employees from discharging or disciplining employees who choose to stay home if they or someone they are in close contact with tests positive for COVID-19.
- Pandemic Unemployment Insurances has been extended to cover gig workers and self-employed workers.

Enacted state legislation

**SB 151**
Provides supplemental appropriations to various departments, including an appropriation of $25 million to the Coronavirus public health emergency and response fund; appropriates $50 million in federally-provided funds to state and local entities for preparedness and response activities.

**HB 4729**
Provides omnibus appropriations for FY 2019-2020, including $125 million to combat the coronavirus.

Sources: National Conference of State Legislatures; National Governors Association.

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Congress’s three-phase response to the coronavirus crisis and potential next steps

**Phase 1**
- Initial support and vaccine development
  - H.R. 6074 — Coronavirus Preparedness and Response Supplemental Appropriations Act
    • $8.3 billion in COVID-19 response funding for developing a vaccine and preventing further spread of the virus
    • Became law on 3/6/20

**Phase 2**
- Paid leave, unemployment and food assistance
  - H.R. 6201 — Families First Coronavirus Response Act
    • $100 billion in worker assistance, including emergency paid sick leave, food assistance, and unemployment payments
    • Became law on 3/18/20

**Phase 3**
- Major economic stimulus package
  - H.R. 748 CARES Act
    • Major stimulus package ($2 trillion)
    • Loans and support to major industries, including airlines and small businesses
    • Direct payments to individuals and families
    • Became law on 3/27/20

**Phase 3b**
- Additional funding for small businesses/hospitals
  - S.Amdt.1580 Paycheck Protection Program and Health Care Enhancement Act
    • $310 billion for the depleted Paycheck Protection Program, additional funding for hospitals and testing
    • Became law on 4/24/20

**Phase 4 - TBD**
- Additional economic support (likely)
  - Infrastructure (maybe)
  • Democratic leadership introduced a $3 trillion package to showcase priorities for the next phase of coronavirus response; however, the legislation is unlikely to pass through the GOP-controlled Senate
  • Republicans have indicated they would like to put a pause on passing any more legislation

Zachary Goldstein | Slide last updated on: May 14, 2020
Phase 3 (H.R. 748): Coronavirus Aid, Relief, & Economic Security Act

- **Direct payments to individuals:**
  - $1,200 per adult, with an additional $500 per child
  - The full amount will go to individuals who earn $75,000/year or $150,000 for married couples; the payments scale down for higher-earning individuals, phasing out completely at $99,000 for individuals, $146,500 for heads of households with one child, and $198,000 for joint filers without children

- **$500 billion lending funds for industries, states, and localities**
  - Loans for companies with more than 500 employees
  - $25 billion in loans to airlines; $4 billion to cargo carriers
  - Bans loans to businesses owned by the president, vice president, heads of executive departments, or members of Congress

- **Hospital investments**
  - $100 billion for hospitals
  - $1 billion to Indian Health Service
  - $16 billion for building a stockpile of medical equipment
  - Increases reimbursements by 20% for treating Medicare patients with coronavirus

- **$350 billion in loans for small businesses**
  - Loans to small businesses would be forgiven if payrolls are maintained
  - **Unemployment benefits increased $600/week for four months**
  - **New Treasury IG and Congressional Oversight Board**
  - **State and Local Funds**
    - $150 billion for state and local funds, including $8 billion for tribal governments

Total cost: $2 trillion


Slide last updated on: March 27, 2020