New Hampshire Governor Issues COVID-19 Emergency Orders

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Since declaring a state of emergency related to the Novel Coronavirus (COVID-19) pandemic, New Hampshire Governor Christopher Sununu has issued 10 orders pursuant to that declaration.

The orders address a variety of issues impacting health care, business, and education, among others. They include school closures, restrictions on gatherings and food and beverage sales, suspension of utility disconnections, evictions, and foreclosures during the state of emergency, expanded unemployment benefits, data privacy governance in schools, access to and coverage for telehealth services, and the establishment of an Emergency Healthcare System Relief Fund.

The following is a summary of and links to New Hampshire Emergency Orders

Emergency Order 2020-04: State of Emergency as of March 13, 2020

- No visitor access to assisted living facilities.

- State agencies authorized to contract for procurement of materials, goods, and services needed for containing, responding to, mitigating effects of, and recovering from COVID-19.

- Out-of-state personnel, such as medical personnel, permitted to provide COVID-19-related services in NH.
• State-owned property suitable to assist in response efforts shall be made available to Division of Public Health and/or Homeland Security and Emergency Management.

• Non-essential out-of-state travel by state and municipal employees suspended.

• State and local governmental bodies authorized and encouraged to conduct meetings by electronic means.

• Department of Health and Human Services (DHHS) commissioner authorized to waive licensing requirements for hospitals/health facilities.

• DHHS commissioner and state fire marshal authorized to waive licensing requirements for certain childcare facilities.

• Health care providers to report to DHHS persons they decide to test for COVID-19 School-sponsored out-of-state travel for students and teachers in NH public schools suspended.

• State agencies permitted to share patients’ relevant medical information with state, local, federal, and nongovernmental partners.

• Department of Business and Economic Affairs shall survey NH businesses to determine economic impact for purposes of applying to U.S. Small Business Administration (SBA) for SBA Economic Injury Disaster Loans.

  ◦ On March 18, 2020, the U.S. SBA approved Governor Sununu’s request for an SBA disaster declaration, which allows small businesses to apply for Economic Injury Disaster Loans.

• Department of Employment Security to develop recommendations regarding unemployment benefits.

• Additional temporary/emergency orders authorized.

**Emergency Order 1: School closures:**

• Temporary remote instruction and support for public K-12 school districts through April 3, 2020.


**Emergency Order 2: Restrictions on gatherings, food and beverage sales/consumption:**

• Temporary prohibition on scheduled gatherings of 50 or more attendees and onsite beverage consumption (includes conventions, concerts, sporting events, faith-based events, etc.).

• Food and beverage sales limited to carry-out, curbside pickup, or drive-through; no on-site consumption.

**Emergency Order 3: No utility disconnections during state of emergency:**
All providers of electric, gas, water, telephone, cable, VOIP, internet service, and deliverable fuel services will be prohibited from disconnecting or discontinuing service for non-payments for the duration of the state of emergency.

Customers to be provided at least six-month payment plan; no late fees to be charged.

Emergency Order 4: No evictions/foreclosures during state of emergency:

Landlords will not be allowed to start eviction proceedings for those unable to pay due to their financial situation. To do so would be against the law, and violation will allow tenants to recover significant damages and attorneys’ fees. All judicial and non-judicial foreclosure actions will also be prohibited during the state of emergency.

Emergency Order 5: Unemployment benefits:

Individuals who are unable to work or who have reduced hours due to the COVID-19 pandemic will have immediate access to unemployment benefits with no waiting period.

Anyone in the following situations will now be eligible for state unemployment:

- individuals with COVID-19 diagnosis.
- individuals quarantined at instruction of health care provider, employer, or government official.
- individuals caring for family member/dependent who has COVID-19 or is under related quarantine.
- individuals caring for family member/dependent unable to care for themselves due to closure of school, childcare facility, or other care program.

Emergency Order 6: Beer and wine delivery/takeout:

Temporary authorization for takeout or delivery of beer or wine. All restaurants, diners, bars, saloons, private clubs, or any other establishment that has both a restaurant license and on premise license from the New Hampshire liquor commission shall be temporarily authorized to allow for takeout or delivery of beer or wine.

Emergency Order 7: Data privacy rules relaxed for remote instruction:

To implement remote instruction, schools may utilize software applications and other digital tools that may not be compliant with a particular district’s data privacy governance plan, so long as such applications and/or tools meet the minimum standards under RSA 189:66.

Emergency Order 8: Expanded access to telehealth services and required
coverage:

- Carriers and benefit plans are required to allow in-network providers to deliver medically necessary covered services via telehealth. This provides for reimbursement for services delivered via video, audio, or other electronic media. Reimbursement rates are not lower than rates for services delivered by traditional, in-person means.

Emergency Order 9: COVID-19 Emergency Healthcare System Relief Fund:

- Establishment of Emergency Healthcare System Relief Fund, authorized to disburse up to $50 million of relief in the form of grants or loans on terms approved by the governor and attorney general.

Emergency Order 10: Grocery sellers required to use single-use bags only:

- Grocery stores must transition to exclusive use of store-provided single-use paper or plastic bags when bagging groceries or other products for customers.

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