

December 23, 2020

### Summary

The United States has 18,325,434 confirmed COVID-19 cases and 324,496 reported related deaths. The federal government made a deal with Pfizer to purchase 100 million additional COVID-19 vaccine doses, enough for 50 million people. Pfizer will deliver the additional doses in June and July of 2021. In total, the federal government has purchased 400 million vaccine doses from Pfizer and Moderna, enough for 200 million people. CDC said that a coronavirus variant detected in the United Kingdom may also be circulating in the United States. The variant – referred to as B.1.1.7—has sparked concern around the globe because it appears to be highly transmissible. There is no evidence the new variant is more dangerous than other strains or that it is resistant to COVID-19 vaccines. Congress passed a \$900 billion stimulus package that includes \$600 direct payments to many Americans. However, on December 22, President Trump called the package a “disgrace” and urged Congress to increase the direct payments to \$2000.

One out of every five hospitals in the United States have filled 95% or more of ICU beds. Tennessee Governor Bill Lee signed several executive orders on December 22 extending the state of emergency, suspending regulations limiting how many beds a hospital can have, and allowing the National Guard to assist with testing and health care. Wisconsin officials partnered with Vault Medical Services to provide free at-home COVID-19 tests as the state set new daily records for disease-related deaths. A Florida data scientist who says state officials fired her for refusing to falsify COVID-19 numbers sued the state on December 21, alleging a police raid on her home earlier this month was an illegal act of retaliation. The data scientist claims she was fired for refusal to “manually change data to drum up support for [Florida’s] plan to reopen.”

New York reported 164 deaths, 6,864 hospitalizations, and 1,116 COVID-19 patients in intensive care on Tuesday, December 22, 2020. Approximately 11,937, or 5.84% of the 204,361 tests administered in New York on December 22 were positive for COVID-19. As of December 22, New York has administered 89,000 doses of the vaccine, 22,000 of which were administered in nursing homes. Governor Cuomo directed a laboratory affiliated with the New York Department of Health to analyze coronavirus tests for evidence that the U.K. variant is present in New York. Virgin Airlines joined Delta Airlines and British Airways in agreeing to test travelers for the virus before traveling from the United Kingdom to New York. Mayor de Blasio stated that British travelers would be personally served with a quarantine order upon arrival in New York, and that a travel unit would knock on doors to check compliance with the order. Violators could be fined \$1,000 each day they violate the order. Mayor de Blasio has asked the state for permission to install more speed cameras and operate them throughout the day after reports of increased traffic deaths during the pandemic.

## Presidential updates

- [White House, Pfizer Reach Deal for More Vaccine Doses](#), December 23
  - Earlier this year, the federal government pre-ordered 100 million doses of Pfizer’s two-dose COVID-19 vaccine, enough to vaccinate 50 million people.
  - Recently, Pfizer said it would not be able to provide the United States with a substantial number of additional doses until late June or early July 2021 because other governments had bought up nearly all of its near-term supply, sparking fears of a “vaccine cliff” in the second quarter of 2021.
  - The federal government entered negotiations with Pfizer to secure additional doses by the spring. Pfizer reportedly told the government that the company needed help accessing the raw materials it uses to create the vaccine in order to supply more doses in the second quarter.
  - On December 22, the federal government announced that it reached a deal with Pfizer to procure an additional 100 million doses for \$1.95 billion.
  - Under the terms of the deal, the federal government will use the Defense Production Act to help Pfizer secure priority access to raw materials. However, Pfizer will not be required to produce the additional doses in the second quarter; instead, Pfizer will supply 70 million additional doses by the end of June and 30 million more by the end of July.

## World Health Organization (WHO)

- [WHO COVID-19 Updates](#), December 23
  - WHO officials [discussed](#) the new strains of SARS-CoV-2 circulating in the U.K., confirming the strain is significantly more infectious than the standard strain. Officials also stated they believe the new variant will not have an impact on vaccines efficacy.
  - WHO [published](#) guidance on rational use of personal protective equipment for COVID-19 and considerations during severe shortages, intended to guide public health authorities, health organizations, and decision-makers regarding PPE use by health workers.

## U.S. Centers for Disease Control and Prevention (CDC)

- [CDC Says Coronavirus Mutation Identified in United Kingdom Possibly Present in United States](#), December 22
  - Recently, officials in the United Kingdom detected a new coronavirus variant, referred to as “B.1.1.7.”
  - Virus mutations are [common](#). However, B.1.1.7 has sparked concern around the globe because it appears to be highly transmissible, though there is no evidence that it is any more dangerous than other strains of the virus or that it is resistant to COVID-19 vaccines.
  - Some countries have eliminated or curtailed travel to and from the United Kingdom in effort to prevent B.1.1.7 from reaching their populations.
  - Earlier this week, New York Governor Cuomo called on the United States to ban travel as well, noting that it would take only one flight to bring B.1.1.7 into the United States.
  - However, on December 22, CDC [said](#) that B.1.1.7 could already be circulating, undetected in the United States. CDC noted that, “[o]ngoing travel between the United

Kingdom and the United States, as well as the high prevalence of this variant among current UK infections, increase the likelihood of importation.”

- Dr. Fauci urged Americans to assume that B.1.1.7 is “already here.”
- CDC has analyzed viral samples from approximately 17 million COVID-19 cases in the United States. However, in January the agency will [launch](#) “National SARS-CoV-2 Strain Surveillance,” a more comprehensive program to detect and analyze the coronavirus variants present in the United States.

### **New York State**

- [New York State COVID-19 Updates](#), December 22
  - New York reported 164 deaths, 6,864 hospitalizations, and 1,116 COVID-19 patients in intensive care on Tuesday, December 22, 2020.
  - Approximately 11,937, or 5.84% of the 204,361 tests administered in New York on December 22 were positive for COVID-19.
  - As of December 22, New York has administered 89,000 doses of the vaccine, 22,000 of which were administered in nursing homes.
  - Governor Cuomo [announced](#) that Wadsworth Laboratory, associated with the New York Department of Health, had partnered with six New York hospital to study the new UK variant of COVID-19. As of Tuesday, the laboratory had analyzed 3,700 positive lab tests for coronavirus but had not found any evidence of the UK variant.
  - On December 21, Virgin Airlines [joined](#) Delta Airlines and British Airways in agreeing to require all passengers traveling from the United Kingdom to New York to test negative before boarding the plane. The three airlines are the only airlines that operate flights from the United Kingdom to New York.

### **New York City**

- [New York City COVID-19 Updates](#), December 22
  - On December 23, Mayor de Blasio [announced](#) that travelers entering New York City from the United Kingdom will be personally served upon arrival with a Department of Health commissioner quarantine order by the sheriff’s office. A travel unit will knock on hotel or home doors to ensure compliance. Other travelers will receive a quarantine order by mail. Violators may be charged a \$1,000 fine for each day the traveler violated the quarantine order.
  - Following reports of increased traffic deaths in New York City during the pandemic, the City has [asked](#) for state permission to operate speed cameras around the clock. New York law only allows cameras to operate on weekdays from 6 a.m to 10 p.m. Mayor de Blasio said that almost three-quarters of traffic deaths this year occurred at times or places where speed cameras were not allowed.

## **Other Related Updates**

- [\*Department of Labor Unemployment Insurance Weekly Claims Report\*](#), December 23
  - Department of Labor (DOL) [reports](#) that another 803,000 workers filed initial claims for unemployment benefits last week, down from 892,000 the week prior.
  - The number of new claims had been trending downward since March, when nearly seven million people filed for unemployment insurance in a single week. However, the numbers have spiked several times in the past few months as COVID-19 cases rise.
  - 397,511 new claims were filed for Pandemic Unemployment Assistance, the federal program intended to help freelancers, gig workers, the self-employed, and others not normally eligible for state jobless benefits.
- [\*NIH Scientists Isolate Anti-COVID-19 Nanobodies from Cormac the Llama\*](#), December 22
  - Researchers from the National Institutes of Health (NIH) isolated a set of tiny antibodies, known as [nanobodies](#), against SARS-CoV-2 that were produced by a llama named Cormac. The nanobodies may be an effective tool against COVID-19.
  - Nanobodies are a special type of antibody naturally produced by the immune systems of camelids, a group that includes camels, llamas, and alpacas.
  - Nanobodies are about one-tenth the weight of typical human antibodies, and are essentially free-floating versions of the tips of the arms of heavy chain proteins that make up human IgG antibodies.
  - The nanobody proteins can bind to the SARS-CoV-2 spike protein, preventing SARS-CoV-2 from entering and infecting other cells.
  - Nanobodies are more stable, less expensive to produce, and easier to engineer than typical antibodies. Importantly, nanobodies can be aerosolized and inhaled to coat the airway and lungs, raising the possibility of a cheap preventative treatment.
  - To isolate the nanobody, researchers immunized Cormac five times over 28 days with a purified version of the SARS-CoV-2 spike protein. Researchers tested hundreds of Cormac's nanobodies before they found 13 that might be strong candidates.
  - Initial experiments showed that one candidate, NIH-CoVnb-112, could be particularly effective, and the researchers have already applied for a patent on the nanobody. The researchers said, “[a]lthough we have a lot more work ahead of us, these results represent a promising first step,” towards possible safe and effective preventive treatments for COVID-19.
- [\*NIH says Pregnant Women in Third Trimester Unlikely to Pass SARS-CoV-2 Infection to Newborns\*](#), December 22
  - Pregnant women infected with SARS-CoV-2 during the third trimester of pregnancy are [unlikely](#) to pass the infections onto newborns, according to study funded by NIH.
  - The study followed 127 pregnant women admitted to Boston hospitals during spring 2020. Among 64 pregnant women who tested positive for SARS-CoV-2, zero newborns tested positive for the virus.
  - The result is limited to women in the third trimester because data on women infected during the first and second trimesters are still being collected and evaluated.

- [FDA COVID-19 Updates](#), December 23
  - Food and Drug Administration [approved](#) an abbreviated drug application for succinylcholine chloride injection USP 200 mg/10 mL, which is indicated for general anesthesia, and to facilitate tracheal intubation and to provide skeletal muscle relaxation during surgery or mechanical ventilation.

Other recent events covered in detail elsewhere:

- [Phase 4 Stimulus Package – Highlight of Certain Key Tax-Related Provisions in the Phase 4 Stimulus Package](#), December 22
- [Fourth Time’s the Charm? Amended HHS Declaration Expands Application of PREP Act Immunity and Preemption for COVID-19 Response](#), December 16
- [Navigating Inability-To-Pay Claims With DOJ Amid COVID-19](#), November 20

Send questions to:

- [COVID-19-Implications@ropesgray.com](mailto:COVID-19-Implications@ropesgray.com)
- [COVID-19RecoveryPolicies@ropesgray.com](mailto:COVID-19RecoveryPolicies@ropesgray.com)