

COVID-19 National Emergency has Ended/ Future Action Items

April 18, 2023

PRACTICES ERISA and Other Benefits Litigation, Employee Benefits and Executive Compensation

President Biden signed into law H.J. Res. 7, which terminates the COVID-19 national emergency (“**National Emergency**”) effective April 10, 2023, a month earlier than originally announced. The bill does not impact the public health emergency, which remains in effect until May 11th of this year.

The deadline extensions applicable to ERISA plans (e.g., extensions related to special enrollment periods, COBRA elections, and filing benefit claims) that have been in place since March 1, 2020 will remain in effect until the 60th day following the end of the National Emergency, which is June 9, 2023.

ERISA plan sponsors should promptly notify their plan participants and COBRA beneficiaries of the changes resulting from the end of the National Emergency before the 60-day deadline extension ends. If plan sponsors desire to continue any deadline extensions, they should carefully evaluate with the help of their outside benefits counsel any legal prohibitions and administrative implications before proceeding. Additionally, plan sponsors should review ERISA plan documents and summary plan descriptions, and adopt any amendments that are required to accurately provide for coverage and administration on a post-National Emergency basis.

The text of H.J. Res. 7 can be found [here](#).