Summary of Material Modifications
to the

Summary Plan Descriptions
for
The Health and Welfare Plan for Store Hourly Employees of Cracker Barrel Old Country Store, Inc.
and
The Health and Welfare Plan for Home Office and Field Management Employees of Cracker Barrel Old Country Store, Inc.

including the Cracker Barrel Old Country Store, Inc. Section 125 Cafeteria Plan and the Benefit Program Booklets

End of COVID-19 Emergency - 2023

This notice is a summary of material modifications ("SMM"), within the meaning of the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

This SMM describes changes to the information provided in the most recent Summary Plan Description ("SPD") for The Health and Welfare Plan for Store Hourly Employees of Cracker Barrel Old Country Store, Inc. and The Health and Welfare Plan for Home Office and Field Management Employees of Cracker Barrel Old Country Store, Inc. (the "Plans").

This SMM also describes changes to the information provided in the Summaries of Benefits and Coverage ("SBCs") for the medical plan options for 2023.

Please read this SMM carefully, share it with your covered family members, and keep it, along with your SPD (including all associated benefit booklets) and medical SBCs, in a safe place for your reference.

If any of the information described in this SMM or the SPD conflicts with the formal plan documents ("Plan Document") for the Plan (including an applicable group insurance contract), the terms of the Plan Document will control, unless superseded by applicable law.

Cracker Barrel Old Country Store, Inc. (the "Company") reserves the right to amend or terminate the Plan (including any benefit program offered thereunder) at any time.

If you have any questions about the information contained in this notice or the Plan, contact the Plan Administrator (contact information appears at the end of this SMM).

In January 2020, the U.S. Department of Health and Human Services declared that a nationwide public health emergency (the "Public Health Emergency") existed as a result of COVID-19. Shortly thereafter, then-President Trump declared that the COVID-19 outbreak in the United States constituted a national emergency (the "National Emergency").

On April 10, 2023, President Biden signed legislation passed by Congress ending the National Emergency. The Public Health Emergency is expected to end May 11, 2023. As a result, certain changes made to The Health and Welfare Plan for Store Hourly Employees of Cracker Barrel Old Country Store, Inc. and The Health and Welfare Plan for Home Office and Field Management Employees of Cracker Barrel Old Country Store, Inc. (each, a "Plan" and collectively, the "Plans") due to the Public Health Emergency and National Emergency will also end soon, as described in this SMM.

Medical Plans

The end of the Public Health Emergency will impact the coverage of certain COVID-19-related services, as follows:

<u>COVID-19 Testing</u>
Effective **May 12, 2023**, each Company medical plan will continue to cover COVID-19 diagnostic testing, including items and services related to the furnishing or administration of the test or to the evaluation of the need for the test and over-the-counter (OTC) COVID-19 diagnostic tests, for you and your covered dependents, subject to the standard medical plan benefit terms (that is, deductibles, copayments, or coinsurance will apply).

<u>COVID-19 Preventive Services</u>
The Plans will continue to cover certain "qualifying coronavirus preventive services," such as vaccines, received from a Network Provider *without cost-sharing* (i.e., no deductibles, copayments or coinsurance will apply). However, effective **May 12, 2023**, any such services received from an Out-of-Network Provider will be subject to the usual cost-sharing (and other Plan terms) applicable to Out-of-Network Providers under your Plan option.

For additional information, please call the toll-free number on the back of your ID card.

<u>No Adverse Impact on Eligibility to Contribute to a Health Savings Account</u>
For employees enrolled in an HDHP medical plan option, until further guidance is issued, the coverage provided without cost-sharing (i.e., before the HDHP deductible is met), as described above, will <u>not</u> prevent you from being eligible to contribute to a Health Savings Account, as confirmed by IRS guidance (IRS Notice 2020-15, as expanded and clarified by IRS Notice 2020-29).

End of the Extension of Certain Deadlines under the Plans

As a result of the COVID-19 National Emergency, certain important deadlines applicable under the Plans were temporarily extended, or "tolled" until the <u>earlier of</u>:

- One (1) year from the date the individual is first entitled to the extension relief (generally, this is the Plan's usual deadline); or
- The end of the Outbreak Period (still generally defined as the end of the National Emergency plus 60 days).

Although the National Emergency ended on April 10, 2023, the U.S. Department of Labor has informally indicated that the tolling of benefit plan deadlines will end on **July 10, 2023**. After the end of the Outbreak Period, the "tolling" will end and the original timing requirements for such actions will recommence. Specifically, the following timing rules (as described in the SPD) will resume on **July 11, 2023**[1]:

- HIPAA special enrollment events require notice to the Plan within 30 days of the event;
- CHIPRA special enrollment events require notice to the Plan within 60 days of the event;
- Certain COBRA deadlines will return to their regular requirements, including:
  - The 60-day window to elect COBRA continuation coverage;
  - The 45-day (for the initial payment) and 30-day (for subsequent payment) period in which to make COBRA premium payments; and
  - The 60-day period for participants or other qualified beneficiaries to notify the Plan of certain qualifying events or a disability determination.
- Claims and appeals deadlines under all coverages subject to ERISA (e.g., medical, dental, vision, and Health Care FSA, disability insurance, life insurance, etc.) will also return to their regular requirements, including:
  - The deadline to file a benefit plan under the Plan's claims procedures;
  - The deadline to file an appeal of an adverse benefit determination under the Plan's claims procedures;
  - The deadline to file a request for an external review after receipt of an adverse benefit determination or final internal adverse benefit determination; and
  - The deadline to file information to perfect a request for external review upon a finding that the request was not complete.

Contact Information for the Plans and COBRA Administrator

If you need more information about this SMM or the Plan applicable to you, refer to the SPD or benefit program booklet(s). If you have general questions about the Plan(s), or if you would like to request a paper copy of the SPD and/or any benefit program booklet, you may contact the Company via mail or telephone at:

Cracker Barrel Old Country Store, Inc.
305 Hartmann Drive
Lebanon, TN 37088-0787

Telephone: (615) 444-5533

The contact information for the Plans' COBRA administrator is:

WEX
P.O. Box 2798
Omaha, NE 68103

Telephone: (833) 589-0714

[1] Or the day the Outbreak Period ends, if a different date is announced.