

Georgia Passes COVID-19 Liability Protections

Article By:

Richard J. Valladares

Andrew Z. Smith

On June 26, 2020, the Georgia General Assembly passed the [COVID-19 Pandemic Business Safety Act \(Senate Bill 359\)](#). If enacted, the bill would shield businesses, health care providers, and other entities from liability related to Coronavirus Disease 2019 (COVID-19) infections or transmissions, except in cases where the entity is found to have committed “gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm.” The Act was sent to Gov. Kemp on June 29, 2020, for approval. The governor’s office declined to comment on the bill except to state that it is subject to legal review like all legislation.

Georgia Protections

Gov. Kemp previously extended temporary liability protections through executive orders for health care providers and other businesses provided they followed specific health and safety guidelines. But those protections will expire on July 12, 2020, unless the governor further extends the March state-of-emergency declaration

If enacted, Georgia’s Act may further protect businesses from COVID-19-related lawsuits brought by customers, members of the public, and employees. Specifically, the legislation creates a rebuttable presumption of assumption of risk when an individual or entity provides a statutory prescribed warning either: (1) on a receipt or as part of a proof of purchase for entry; or (2) as a posted warning sign at the premises’ point of entry. The Act specifically enumerates the language, size, font, and location for each type of warning. Moreover, the legislation affords similar protections for health care facilities and providers where a warning is posted at the premises’ point of entry.

Although the Act may protect against some claims, businesses, individuals, and other entities are not protected in instances of gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm. The Act does not affect employees’ right to bring workers’ compensation claims or file complaints with OSHA regarding workplace safety.

The Act becomes effective: (1) upon the governor’s approval; (2) upon becoming law without such approval; or (3) on Aug. 7, 2020, whichever comes first. Importantly, the law will apply to claims accruing until July 14, 2021.

Business Liability Protections

Georgia is not the first state to pass legislation aimed at protecting businesses from liability. Numerous states have passed legislation or implemented executive orders granting businesses immunity from civil liability for claims relating to COVID-19, including: Alabama, Arkansas, Iowa, Kansas, Louisiana, North Carolina, Oklahoma, Utah, and Wyoming. The scope of protections varies from state to state.

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