

Georgia COVID-19 Pandemic Business Safety Act

Recently, Governor Kemp signed into law Senate Bill 359, the Georgia COVID-19 Pandemic Business Safety Act. The law provides various entities, including religious and educational organizations, immunity from COVID-19-related litigation. It provides that “no healthcare facility, healthcare provider, entity, or individual, shall be held liable” for damages in an action involving a COVID-19 liability claim unless the claimant proves that the actions of the defendant showed “gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm.” The law takes immediate effect, and applies to causes of action until July 14, 2021.

The law requires that entities post a warning sign at the entrance(s) to the premises stating: “Under Georgia law, there is no liability for an injury or death of an individual entering these premises if such injury or death results from the inherent risks of contracting COVID-19. You are assuming this risk by entering these premises.” The law required that the sign be printed “in at least one-inch Arial font placed apart from any other text”, apparently meaning that logos or other embellishments are not allowed. These signs are available from sign companies, or may be printed in-house.

We bring this to your attention so you will know about the provisions of the law, and also because it may be the case that entities who do not post the sign may not have the full exemption from liabilities offered under the law.

We do not offer this as legal advice. We urge you to read the law and consult with those qualified to offer such advice as you deem appropriate.