The ‘Georgia COVID-19 Pandemic Business Safety Act’ (S.B. 359) that lawmakers passed in 2020 provides certain liability protections for health care facilities, physicians and allied health care professionals, and businesses. If Georgia Gov. Brian Kemp does not veto this legislation, it will cover causes of action accruing until July 14, 2021.

S.B. 359 protects (i.e., grants immunity) health care facilities and physicians and allied health care professionals from COVID-19 negligence claims except “in cases of gross negligence, willful and wanton misconduct, reckless infliction or harm, or intentional infliction of harm.”

COVID-19 liability claims include those...

- Involving the transmission, exposure, or potential exposure of a person to COVID-19
- Involving the provision of health care to a COVID-19 patient that results in their injury or death
- “Where the response to COVID-19 reasonably interfered with the provision or arrangement of health care for a patient”

S.B. 359 also protects businesses, health care facilities, and physicians and allied health care professionals from COVID-19 liability claims that are related to the “transmission, infection, exposure, or potential exposure” of a person to COVID-19 on their premises except when it involves “gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm.”

And, S.B. 359 would establish a claimant’s rebuttable presumption for the assumption of risk when an individual or entity posts a sign at the point of entry that “uses at least one-inch Arial font placed apart from any other text” that states...

WARNING

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.

MAG members can contact Bethany Sherrar at bsherrar@mag.org with questions about S.B. 359. With more than 8,400 members, MAG is the leading voice for physicians in Georgia. MAG represents physicians in every specialty and practice setting. Go to www.mag.org for additional information.

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