

Georgia Creates COVID-19 Tort Immunity for Businesses

On August 5, 2020, Governor Kemp of Georgia signed into law the “Georgia COVID-19 Pandemic Business Safety Act,” (<http://www.legis.ga.gov/Legislation/20192020/195211.pdf>) which provides a limited tort immunity to businesses that remain open during the current pandemic, so long as they post a notice or warning sign at the entrance of their property.

The Act focuses on tort immunity to healthcare providers, but has protections for all individuals and businesses in Georgia. The Act limits the liability for any COVID-19 liability claim to acts of “gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm.” Essentially, the Act creates a presumption that people doing business in public are have assumed the risk of infection.

In order for businesses to claim this legal protection, the business is required to post notice at the entrance to its premises, “a sign in 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.”

There are separate requirements for admission tickets and for healthcare facilities, but it is advisable for all businesses in Georgia to post the warning at their entrance, regardless of whether they are private businesses or open to the public. The new law is not limited to buildings, so, contractors can post the warning sign at the entrance to job sites where possible to claim this new protection to its full extent.

This law is immediately effective and the protections automatically expire in July of 2021.

If you have questions about how this new law applies to you, or other coronavirus-related questions, reach out to a Hudson Parrott Walker attorney.