

Ga. Businesses Now Shielded From COVID-19 Injury Suits

By [Y. Peter Kang](#)

Law360 (August 6, 2020, 6:24 PM EDT) -- Georgia Republican Gov. Brian Kemp has enacted a law that shields businesses and health care providers from civil liability for coronavirus-related injury and wrongful death suits.

Under the Georgia COVID-19 Pandemic Business Safety Act signed into law by Kemp on Wednesday, businesses and health care providers can't be held liable for injuries or deaths related to coronavirus treatment, exposure or infection unless it can be established that a defendant committed gross negligence or willful misconduct. The virus has killed more than 4,000 people in the Peach State as of Thursday, according to state figures.

The new law includes a provision stating that if a business owner posts a COVID-19 warning sign outside the premises that essentially acts as a liability waiver for virus injuries, then a plaintiff must overcome a rebuttable presumption that he or she assumed the risk of entering the premises. This additional legal hurdle is not required in cases of gross negligence, according to the law.

The law defines health care providers as medical professionals and facilities such as hospitals and nursing homes, and also covers the corporate parents of health care providers. The act states that the liability shield does not only relate to coronavirus-related treatment, but also to medical care that was "reasonably interfered" with by a health care provider's response to the pandemic.

The bill, S.B. 359, was approved by the Georgia Legislature on June 26 and was signed by Kemp the day before his 40-day veto period was set to expire. The law takes effect immediately and remains valid until July 14, 2021.

Georgia joins about a dozen other states that have enacted COVID-19 liability shields for businesses, and is the most populous state thus far to have done so. On July 2, North Carolina enacted a similar law.

The newly enacted law comes amid Senate Republicans' ongoing push for [similar legal protections](#) for businesses as part of a proposed \$1 trillion coronavirus relief package. Those efforts, spearheaded by Senate Majority Leader Mitch McConnell, have received [considerable pushback](#) from congressional Democrats and consumer and worker advocacy groups that say the bill is overly broad and makes it virtually impossible to obtain legal redress for coronavirus-related injuries.

Georgia's new law will in no way limit any immunity protections provided under federal law, according to the law's text.

--Editing by Abbie Sarfo.