



Utica National Risk Management Alert

Georgia COVID-19 Pandemic Business Safety Act: What You Need to Know

The Georgia General Assembly recently passed the Georgia COVID-19 Pandemic Business Safety Act (Senate Bill 359). The Act was passed to limit liability for COVID-19-related claims in response to concerns of businesses throughout Georgia about potential legal liability for COVID-19 claims as the economy re-opens in the state. This act remains in effect until July 14, 2021.

The Act protects covered entities¹ and individuals from liability for injury or death related to COVID-19. Under the provisions of the Act, no person or entity in Georgia can be held liable for a COVID-19 liability claim unless the claimant proves “gross negligence, willful and wanton misconduct, reckless infliction of harm or intentional infliction of harm.”

The Act also creates a rebuttable presumption that a claimant assumed the risk of contracting COVID-19 when entering the business. For all premises owners, you can only take advantage of the rebuttable presumption if you post a prescribed warning sign in at least one-inch Arial font at a point of entry. The sign must be placed apart from any other text and state:

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.

Entities such as sports and entertainment venues requiring a ticket for entry have an alternative option of printing a prescribed warning on the ticket, receipt or other proof of purchase. The warning must be in ten-point Arial font placed apart from any other text and state:

Warning

Any person entering the premises waives all civil liability against this premises owner and operator for any injuries caused by the inherent risk associated with contracting COVID-19 at public gatherings, except for gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm, by the individual or entity of the premises.

While SB 359 provides protection against claims that a person contracted COVID-19 at an entity's facility, businesses must continue to follow federal, state and local guidelines on infection control and prevention, and document the actions taken to prevent the spread of COVID-19.

We recommend the following:

- Post the required warning at the entrance to your business. In addition, include the warning on tickets, receipts, proof of purchase, etc., if applicable and possible.
- Comply with federal, state and local disease transmission controls, including social/physical distancing of at least six feet, the use of face coverings, establishing rigorous cleaning and disinfection procedures, increasing ventilation, reducing occupancy, and health screening for your employees.
- Document the actions you have taken to prevent disease transmission.

For additional information, visit www.uticanational.com or contact your local risk management representative.

1. "Entity" includes all forms of business entities, including non-profit organizations, as well as governmental bodies. Covered entities are defined specifically to include healthcare facilities and healthcare providers, as well as associations, companies, corporations, governmental entities, religious or educational organizations, and volunteer organizations, among others. In addition, the bill provides immunity to individuals.

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