

The House Committee on Health and Human Services offers the following substitute to HB 1204:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions for torts, so as to provide for limiting liability of free health clinics; to
3 provide for definitions; to provide for applicability; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
8 provisions for torts, is amended by inserting a new Code section to follow Code Section
9 51-1-29.1, relating to liability of voluntary health care providers and sponsoring
10 organizations, to read as follows:

11 "51-1-29.15.

12 (a) For purposes of this Code section, the term:

13 (1) 'Free health clinic' means a nonprofit, charitable, or eleemosynary institution or
14 organization that voluntarily and without expectation or receipt of compensation provides
15 health care services to persons who do not qualify for medicare or Medicaid, have no
16 private health insurance, and who cannot afford to see a medical care professional.

17 (2) 'Medical care professional' means a professional who is licensed under Chapter 4 of
18 Title 26 or Chapter 9, 10A, 11, 11A, 26, 28, 29, 30, 33, 34, or 44 of Title 43.

19 (b) Without waiving or affecting and cumulative of any existing immunity from any
20 source, unless it is established that injuries or death were caused by gross negligence or
21 willful or wanton misconduct;

22 (1) A free health clinic or any agent, employee, or volunteer thereof that provides
23 medical care professional services to a person at the request of the person; or

24 (2) A licensed hospital, public school, or nonprofit organization which requests,
25 sponsors, or participates in the providing of the services under the circumstances
26 provided in paragraph (1) of this subsection

1 shall not be liable for damages or injuries alleged to have been sustained by the person or
2 for damages for the injury or death of the person when the injuries or death are alleged to
3 have occurred by reason of an act or omission in the rendering of such services.

4 (c) This Code section shall apply only to causes of action arising on or after July 1, 2004."

5 **SECTION 2.**

6 All laws and parts of laws in conflict with this Act are repealed.